TITLE 43.—PUBLIC LANDS

Chap. Sec.
32A. Colorado River Basin Salinity Control [New] 1571
33. Alaska Native Claims Settlement [New]... 1601
34. Trans-Alaska Pipeline [New]..... 1651

Chapter 1.—BUREAU OF LAND MANAGEMENT

§ 11. Restriction on officers, clerks, and employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1621 of this title.

Chapter 2.—GEOLOGICAL SURVEY

§ 31. Director of Geological Survey.

* * * * *

(c) Annual report to Congress.

The Secretary of the Interior shall report to the Speaker of the House of Representatives and the President of the Senate on January 31 of each year on all actions taken pursuant to subsection (b) of this section during the year ending on the December 31 immediately preceding the reporting date and on the results of such actions. (As amended Jan. 2, 1975, Pub. L. 93–608, § 2(6), 88 Stat. 1971.)

AMENDMENTS

1975—Subsec. (c). Pub. L. 93–608 substituted requirement of an annual report for requirement of a semiannual report.

§ 50. Survey's share of cost of topographic mapping or water resources investigations carried on with States.

REPEATED

Pub. L. 92–76, title I, § 100, Aug. 10, 1971, 85 Stat. 234; Pub. L. 92–369, title I, § 100, Aug. 10, 1972, 86 Stat. 513; Pub. L. 93–120, title I, § 100, Oct. 4, 1973, 87 Stat. 434; Pub. L. 93–404, title I, § 100, Aug. 31, 1974, 88 Stat. 808; Pub. L. 94–165, title I, § 100, Dec. 23, 1975, 89 Stat. 983.

Chapter 7.—HOMESTEADS

§§ 270–1 to 270–3. Repealed, Pub. L. 92–203, § 18(a), Dec. 18, 1971, 85 Stat. 710.

Section 270–1, acts May 17, 1906, ch. 2469, § 1, 34 Stat. 197; Aug. 2, 1956, ch. 891, § 1(a)–(d), 70 Stat. 954, authorized the making of homestead allotments to native Indians, Aleuts, or Eskimos and provided for conveyance of allotted lands.

Section 270–2, act May 17, 1906, ch. 2469, § 2, as added Aug. 2, 1956, ch. 891, § 1(e), 70 Stat. 954, permitted allotments of land in national forests if the land was certified as chiefly valuable for agricultural or grazing uses.

Section 270–3, act May 27, 1906, ch. 2469, § 3, as added Aug. 2, 1956, ch. 891, § 1(e), 70 Stat. 954, prohibited the making of an allotment unless the person made satisfactory proof of substantially continuous use and occupancy of the land for five years.

Chapter 9.—DESERT-LAND ENTRIES

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 7 section 1006a.

Chapter 12.—RECLAMATION AND IRRIGATION OF LANDS BY FEDERAL GOVERNMENT

INSTITUTION AND CONSTRUCTION OF PROJECTS

Sec.
421e. Municipal and industrial water supply delivery and distribution; allocation of loan funds; loan repayment contract requirements; rate of interest [New].
421f. Existing loan contracts; negotiation by Secretary of amendments [New].
421g. Existing rights unaffected [New].
421h. Procedural and substantive requirements applicable to works financed by loans pursuant to sections 421a to 421h of this title [New].

CONSTRUCTION OF SMALL PROJECTS

422k–1. Loan contracts for deferment of repayment installments; amendment or supplementation [New].

CIBOLO PROJECT, TEXAS [NEW]

600f. Authorization for construction, operation, and maintenance; principal features.
600f–1. Interest rate; basis for determination by Secretary of the Treasury.
600f–2. Water delivery and reimbursable construction cost repayment contracts.
(a) Authorization.
(b) Prerequisite to construction.
(c) Applicability of other provisions.
(d) Transfer of care, operation, and maintenance of project works upon completion; reimbursement of costs allocable to flood control, fish and wildlife and recreational purposes; operation of projects in accordance with regulations of Secretary of Army and Secretary of Interior.
(e) Use of reservoir and related facilities.
600f–3. Conservation and development of fish and wildlife resources and enhancement of recreation.
600f–4. Authorization of appropriations; advancement of non-Federal funds; purpose; amount; discount rate for allocating cost of authorized works.

NUECES RIVER PROJECT, TEXAS [NEW]

600g. Authorization for construction, operation, and maintenance; principal features.
600g–1. Repayment of costs; law governing; interest rate; basis for determination by Secretary of the Treasury.
600g–2. Water delivery and reimbursable construction cost repayment contracts.
(a) Authorization.
(b) Prerequisite to construction.
(c) Applicability of other provisions.
(d) Transfer of care, operation, and maintenance of project works upon completion; credit for costs allocable to fish and wildlife and recreational purposes; operation of project in accordance with regulations of Secretary of Interior.
(e) Use of reservoir and related facilities.
600g–3. Conservation and development of fish and wildlife resources and enhancement of recreation opportunities.

Sec.
600g–4. Authorization of appropriations; advancement of non-Federal funds; use of advance as credit for repayment obligations; interim use of advance; termination of activities.

CLOSED BASIN DIVISION; SAN LUIS VALLEY PROJECT, COLORADO [NEW]

615aaa. Authorization for construction, operation, and maintenance; Mishak National Wildlife Refuge; Alamosa National Wildlife Refuge.
615bbb. Control system; maintenance of water table.
615ccc. Operating committee; establishment; membership.
615ddd. Nonreimbursable costs; priority of water availability.
615eee. Easements and rights-of-way.
615fff. Fish and wildlife resources.
615ggg. Transfer of functions.
615hhh. Abrogation, amendment, modification, or conflict with existing provisions.
615iii. Authorization of appropriations.

BRANTLEY PROJECT, PECOS RIVER BASIN, NEW MEXICO [NEW]

615jjj. Authorization for construction, operation, and maintenance.
615kkk. Fish and wildlife resources; recreation opportunities.
615*lll*. Pecos River Compact.
615mmm. Flood control and safety costs; fish and wildlife; recreation.
615nnn. Interest rates.
615ooo. Authorization of appropriations.

SALMON FALLS DIVISION, UPPER SNAKE RIVER PROJECT, IDAHO [NEW]

615ppp. Authorization for construction, operation, and maintenance; principal works.
615qqq. Water exchanges.
615rrr. Irrigation repayment contracts.
615sss. Fish and wildlife benefits.
615ttt. Irrigation water pumping power.
615uuu. Interest rates.
615vvv. Newly irrigated lands.
615www. Authorization of appropriations.

O'NEILL UNIT, PICK-SLOAN MISSOURI BASIN PROGRAM, NEBRASKA [NEW]

615xxx. Authorization for construction, operation, and maintenance; principal features.
615yyy. Fish and wildlife resources; recreation opportunities.
615zzz. Integration with other Federal works.
615aaaa. Interest rates.
615bbbb. Newly irrigated lands.
615cccc. Authorization of appropriations.

NORTH LOUP DIVISION, PICK-SLOAN MISSOURI BASIN PROGRAM, NEBRASKA [NEW]

615dddd. Authorization; principal features.
615eeee. Interest rates.
615ffff. Fish and wildlife resources; recreation opportunities.
615gggg. Integration with other Federal works.
615hhhh. Limitations on diversion of waters.
615iiii. Newly irrigated lands.
615jjjj. Authorization of appropriations.

MOUNTAIN PARK PROJECT, OKLAHOMA

616ffff–1. Same; increase of amount [New].

GENERAL PROVISIONS

§ 372. Water right as appurtenant to land and extent of right.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 421g of this title.

§ 377a. Limitation on use of funds where organizations or individuals are in arrears on contract charges.

REPEATED

Pub. L. 92–134, title III, § 300, Oct. 5, 1971, 85 Stat. 371; Pub. L. 92–405, title III, § 300, Aug. 25, 1972, 86 Stat. 627; Pub. L. 93–97, title II, § 30, Aug. 16, 1973, 87 Stat. 324; Pub. L. 93–393, title III, § 300, Aug. 28, 1974, 88 Stat. 788; Pub. L. 94–180, title III, § 300, Dec. 26, 1975, 89 Stat. 1043.

§ 383. Vested rights and State laws unaffected by certain sections.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 421g of this title.

§ 387. Removal of sand, gravel, etc.; leases, easements, etc.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 section 460dd–2.

§ 390b. Development of water supplies for domestic, municipal, industrial, and other purposes.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 600g–1 of this title title 42 section 1962d–5b.

RECLAMATION FUND GENERALLY

§ 391. Establishment of "reclamation fund".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 421d, 422b, 422d, 422f, 422k, 600f, 600g, 600g–1, 615aaa, 615jjj, 615ppp, 615xxx, 616aaaa of this title; title 42 section 1959d.

INSTITUTION AND CONSTRUCTION OF PROJECTS

§ 421a. Construction of distribution and drainage systems by irrigation districts or public agencies.

Distribution and drainage systems authorized to be constructed under the Federal reclamation laws may, in lieu of construction by the Secretary of the Interior (referred to in sections 421a to 421h of this title as the "Secretary"), be constructed by irrigation districts or other public agencies according to plans and specifications approved by the Secretary as provided in sections 421a to 421h of this title. The drainage systems referred to in sections 421a to 421h of this title are those required for collection and removal of excess irrigation water, either on or below the surface of the ground and do not include enlargement or alteration of existing waterways for disposition or natural runoff. (As amended Oct. 13, 1972, Pub. L. 92–487, 86 Stat. 804.)

AMENDMENTS

1972—Pub. L. 92–487 substituted provisions relating to the construction of distribution and drainage systems, for provisions relating to the construction of irrigation systems, and added provisions setting forth the type of drainage systems subject to the coverage of sections 421a to 421h of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 421b to 421h of this title.

§ 421b. Same; loans for construction; repayment contract; time period for repayment of loan; definition.

To assist financially in the construction of the aforesaid local distribution and drainage systems by irrigation districts and other public agencies the Secretary is authorized, on application therefor by such irrigation districts or other public agencies, to make funds available on a loan basis from moneys appropriated for the construction of such distribution and drainage systems to any irrigation district or other

public agency in an amount equal to the estimated construction cost of such system, contingent upon a finding by the Secretary that the loan can be returned to the United States in accordance with the general repayment provisions of sections 485a(d) and 485h(d) of this title and upon a showing that such district or agency already holds or can acquire all lands and interests in land (except public and other lands or interests in land owned by the United States which are within the administrative jurisdiction of the Secretary and subject to disposition by him) necessary for the construction, operation, and maintenance of the project. The Secretary shall, upon approval of a loan, including any loan for a distribution and drainage system receiving water from the San Luis unit, Central Valley project, authorized by the Act of June 3, 1960 (74 Stat. 156), enter into a repayment contract which includes such provisions as the Secretary shall deem necessary and proper to provide assurance of prompt repayment of the loan within not to exceed forty years plus a development period not to exceed ten years. The term "irrigation district or other public agency" shall for the purposes of sections 421a to 421h of this title mean any conservancy district, irrigation district, water users' organization, or other organization, which is organized under State law and which has capacity to enter into contracts with the United States pursuant to the Federal reclamation laws. (As amended Oct. 13, 1972, Pub. L. 92–487, 86 Stat. 804.)

REFERENCES IN TEXT

The Act of June 3, 1960 (74 Stat. 156), referred to in the text, has not been classified to this Code.

AMENDMENTS

1972—Pub. L. 92–487 substituted provisions relating to financial assistance in the construction of local distribution and drainage systems, for provisions relating to financial assistance in the construction of local irrigation distribution systems, and added provisions relating to loans for a distribution and drainage system receiving water from the San Luis unit, Central Valley project, and provisions setting forth a specified time period for repayment of loans.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 421a, 421c to 421h of this title.

§ 421c. Same; conditions of loan; reconveyance by Secretary of lands, interests in lands, and distribution works heretofore conveyed to the United States; conditions of reconveyance; rights-of-way.

The Secretary shall require, as conditions to any such loan, that the borrower contribute in money or materials, labor, lands, or interests in land, computed at their reasonable value, a portion not in excess of 10 per centum, of the construction cost of the distribution and drainage system (including all costs of acquiring lands and interests in land), that the plans for the system be in accord with sound engineering practices and be such as will achieve the purposes for which the system was authorized, and that the borrower agree to account in full in regard to all disbursements of borrowed funds and to return at once for application toward amortization of the loan all funds which are not expended in the construction of the distribution and drainage system. Every organization contracting for repayment of a loan under sections 421a to 421h of this title shall operate and maintain its distribution and drainage works in conformity with reasonable contractual requirements determined to be appropriate for the protection of the United States. The Secretary is hereby authorized to reconvey to borrowers all lands or interests in lands and distribution works transferred to the United States under the provisions of sections 421a to 421h of this title: *Provided*, That any reconveyance shall be upon the condition that the repayment contract of the borrower be amended to include such provisions as the Secretary shall deem necessary or proper to provide assurance of and security for prompt repayment of the loan. The head of any department or agency of the Government within whose administrative jurisdiction are lands owned by the United States the use of which is reasonably necessary for the construction, operation, and maintenance of distribution and drainage works under sections 421a to 421h of this title may grant to a borrower or prospective borrower under sections 421a to 421h of this title revocable permission for the use thereof in like manner as under sections 79, 522, and 524 of Title 16, sections 323 to 328 of Title 25, section 11i of Title 38, or sections 931a to 931d, 946 to 950, 956, and 959 of this title, or any other similar Act which is applicable to the lands involved: *Provided*, That no such permission shall be granted in the case of lands being administered for national park, national monument, or wildlife purposes. (As amended Oct. 13, 1972, Pub. L. 92–487, 86 Stat. 804.)

REFERENCES IN TEXT

Section 11i of Title 38, referred to in the text, refers to Act May 31, 1947, c. 89, 61 Stat. 124, which was repealed by Pub. L. 85–56, Title XXII, § 2202(196), June 17, 1957, 71 Stat. 171, eff. Jan. 1, 1958, and is now covered by section 5014 of Title 38, Veterans' Benefits.

Section 931b of this title, included within sections 931a-931d, referred to in the text, was repealed by act Aug. 10, 1956, c. 1041, § 53, 70A Stat. 641. See section 2668 of Title 10, Armed Forces.

AMENDMENTS

1972—Pub. L. 92–487 added provision subjecting drainage systems to the requirements of this section, substituted provisions authorizing the Secretary to reconvey to borrowers all land or interests in land and distribution works transferred to the United States under the provisions of sections 421a to 421h of this title, with the proviso relating to the amendment of the repayment contract, for provisions requiring borrowers, prior to the consummation of any loan, to transfer to the United States any lands or interests in lands presently held or acquired in the future which the Secretary finds necessary for the construction, operation, or maintenance of distribution systems, with title to all such lands, etc., subject to retransfer to the borrower by the Secretary upon repayment of the loan, to remain in the United States, and struck out provisions which restricted applicability of provisions to provisions relating to Federal reclamation laws.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 421a, 421b, 421d to 421h of this title.

§ 421d. Effect on existing laws.

Except as otherwise provided in sections 421a to 421h of this title, the provisions of the Federal reclamation laws, and Acts amendatory thereto, are continued in full force and effect. (As amended Oct. 13, 1972, Pub. L. 92–487, 86 Stat. 805.)

REFERENCES IN TEXT

The Federal reclamation laws, and Acts amendatory thereto, referred to in the text, refer to Act June 17, 1902, ch. 1093, 32 Stat. 388 and Acts amendatory thereto, which are classified generally to this title. See Tables Volume for distribution.

AMENDMENTS

1972—Pub. L. 92–487 reenacted section without change.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 421a to 421c, 421e to 421h of this title.

§ 421e. Municipal and industrial water supply delivery and distribution; allocation of loan funds; loan repayment contract requirements; rate of interest.

Unless otherwise provided in the Act authorizing construction of the project, the delivery and distribution of municipal and industrial water supplies shall be deemed to be an authorized project purpose under sections 421a to 421h of this title, and where appropriate, an allocation of loan funds acceptable to the Secretary shall be made between irrigation and municipal and industrial purposes. Loan repayment contracts shall require that the borrower pay interest on that portion of the unamortized loan obligation (including interest during construction) allocated in each year to municipal and industrial purposes at the rate provided in the Act authorizing the project, or absent such an authorized rate, at a rate determined by the Secretary of the Treasury as of the beginning of the fiscal year in which the contract, or contract amendment entered into pursuant to section 421f of this title, is executed, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption for fifteen years from date of issue, and by adjusting such average rate to the nearest one-eighth of 1 per centum. (July 4, 1955, ch. 271, § 5, as added Oct. 3, 1972, Pub. L. 92–487, 86 Stat. 805.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 421a to 421d, 421f to 421h of this title.

§ 421f. Existing loan contracts; negotiation by Secretary of amendments.

The Secretary is hereby authorized to negotiate amendments to existing water service and irrigation distribution system loan contracts to conform said contracts to the provisions of sections 421a to 421h of this title. (July 4, 1955, ch. 271, § 6, as added Oct. 13, 1972, Pub. L. 92–487, 86 Stat. 805.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 421a to 421e, 421g, 421h of this title.

§ 421g. Existing rights unaffected.

Nothing in sections 421a to 421h of this title shall be construed to repeal or limit the procedural and substantive requirements of sections 372 and 383 of this title. (July 4, 1955, ch. 271, § 7, as added Oct. 13, 1972, Pub. L. 92–487, 86 Stat. 806.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 421a to 421f, 421h of this title.

§ 421h. Procedural and substantive requirements applicable to works financed by loans pursuant to sections 421a to 421h of this title.

Works financed by loans made under sections 421a to 421h of this title shall be subject to all procedural and substantive requirements of the Fish and Wildlife Coordination Act, the Federal Water Pollution Control Act, as amended, and the National Environmental Policy Act of 1969. (July 4, 1955, ch. 271, § 8, as added Oct. 13, 1972, Pub. L. 92–487, 86 Stat. 806.)

REFERENCES IN TEXT

The Fish and Wildlife Coordination Act, referred to in the text, is classified to sections 661 to 666c of Title 16, Conservation.

The Federal Water Pollution Control Act, as amended, referred to in the text, is classified to section 1251 et seq. of Title 33, Navigation and Navigable Waters.

The National Environmental Policy Act of 1969, referred to in the text, is classified to section 4321 et seq. of Title 42, The Public Health and Welfare.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 421a to 421g of this title.

CONSTRUCTION OF SMALL PROJECTS

SECTIONS REFERRED TO IN OTHER SECTIONS

Sections 422a to 422k–1 are referred to in section 504 of this title.

§ 422a. Declaration of purpose.

The purpose of sections 422a to 422k–1 of this title is to encourage State and local participation in the development of projects under the Federal reclamation laws and to provide for Federal assistance in the development of similar projects in the seventeen western reclamation States by non-Federal organizations. (Aug. 6, 1956, ch. 972, § 1, 70 Stat. 1044.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 422b, 422c, 422d, 422e, 422g, 422h, 422i, 422j, 422k, 422k–1, 422l of this title.

§ 422b. Definitions.

As used in sections 422a to 422k–1 of this title—

* * * * * *

(d) The term "project" shall mean (i) any complete irrigation project, or (ii) any multiple-purpose water resource project that is authorized or is eligible for authorization under the Federal reclamation laws, or (iii) any distinct unit of a project described in clause (i) and (ii) or (iv) any project for the drainage of irrigated lands, without regard to whether such lands are irrigated with water supplies developed pursuant to the Federal reclamation laws, or (v) any project for the rehabilitation and betterment of a project or distinct unit described in clauses (i), (ii), (iii), and (iv): *Provided*, That the estimated total cost of the project described in clause (i), (ii), (iii), (iv), or (v) does not exceed the maximum allowable estimated total project cost as determined by subsection (f) hereof: *Provided further*, That a project described in clause (i), (ii), or (iii) may consist of existing facilities as distinct from newly constructed facilities, and funds made available pursuant to sections 422a to 422k–1 of this title may be utilized to acquire such facilities subject to a determination by the Secretary that such facilities meet standards of design and construction which he shall promulgate and that the cost of such existing facilities represent less than fifty per centum of the cost of the project. Nothing contained in sections 422a to 422k–1 of this title shall preclude the making of more than one loan or grant, or combined loan and grant, to an organization so long as no two such

loans or grants, or combinations thereof, are for the same project, as herein defined.

* * * * *

(f) The maximum allowable estimated total project cost of a proposal submitted during any given calendar year shall be determined by the Secretary using the Bureau of Reclamation composite construction cost index for January of that year with $15,000,000 as the January 1971 base. (As amended Nov. 24, 1971, Pub. L. 92–167, § (1), 85 Stat. 488; Dec. 27, 1975, Pub. L. 94–181, § 1(a), (b), 89 Stat. 1049.)

AMENDMENTS

1975—Subsec. (d). Pub. L. 94–181, § 1(a), substituted provisions limiting the estimated cost of the project described in clauses (i), (ii), (iii), (iv), and (v) to the maximum allowable estimated total project cost as determined by subsection (f) of this section, for provisions limiting the estimated cost of such projects to $15,000,000, and added proviso relating to a project described in clause (i), (ii), or (iii).

Subsec. (f). Pub. L. 94–181, § 1(b), added subsec. (f).

1971—Subsec. (d). Pub. L. 92–167 redefined the size and character of projects which are eligible for approval under the program, increasing money limitation from $1,000,000 to $15,000,000 and making projects eligible, without being only for irrigation, for single purpose irrigation, single purpose drainage, multiple purpose, a distinct unit of the foregoing, or rehabilitation of any of the foregoing.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 422a, 422c, 422d, 422e, 422g, 422h, 422i, 422j, 422k, 422k–1, 422l of this title.

§ 422c. Proposals; submission; payment for cost of examination.

Any organization desiring to avail itself of the benefits provided in sections 422a to 422k–1 of this title shall submit a proposal therefor to the Secretary in such form and manner as he shall prescribe. Each such proposal shall be accompanied by a payment of $1,000 to defray, in part, the cost of examining the proposal. (Aug. 6, 1956, ch. 972, § 3, 70 Stat. 1044.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 422a, 422b, 422d, 422e, 422g, 422h, 422i, 422j, 422k, 422k–1, 422l of this title.

§ 422d. Contents of proposals.

* * * * *

(b) Lands and water rights; ownership; financing.

Every such proposal shall include a showing that the organization already holds or can acquire all lands and interests in land (except public and other lands and interests in land owned by the United States which are within the administrative jurisdiction of the Secretary and subject to disposition by him) and rights, pursuant to applicable State law, to the use of water necessary for the successful construction, operation, and maintenance of the project and that it is ready, able, and willing to finance otherwise than by loan and grant under sections 422a to 422k–1 of this title such portion of the cost of the project (which portion shall include all costs of acquiring lands, interests in land, and rights to the use of water), except as provided in section 422e(b)(2) of this title as the Secretary shall have advised is proper in the circumstances.

(c) Transmittal of findings and approval to Congress; reservation of land.

At such time as a project is found by the Secretary and the Governor of the State in which it is located (or an appropriate State agency designated by him) to be financially feasible, is determined by the Secretary to constitute a reasonable risk under the provisions of sections 422a to 422k–1 of this title, and is approved by the Secretary, such findings and approval shall be transmitted to the Congress. The Secretary, at the time of submitting the project proposal to Congress or at the time of his determination that the requested project constitutes a reasonable risk under the provisions of sections 422a to 422k–1 of this title, may reserve from use or disposition inimical to the project any lands and interests in land owned by the United States which are within his administrative jurisdiction and subject to disposition by him and which are required for use by the project. Any such reservation shall expire at the end of two years unless the contract provided for in section 422e of this title shall have been executed.

(d) Amount of loan and/or grant; increase by Secretary.

At the time of his submitting the project proposal to the Congress, or at any subsequent time prior to completion of construction of the project, including projects heretofore approved, the Secretary may increase the amount of the requested loan and/or grant to an amount within the maximum allowed by section 422e(a) of this title, as amended by Pub. L. 94–181, to compensate for increases in construction costs due to price escalation.

(e) Appropriation; nonapplicability.

No appropriation shall be made for financial participation in any such project prior to sixty calendar days (which sixty days, however, shall not include days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) from the date on which the Secretary's findings and approval are submitted to the Congress and then only if, within said sixty days, neither the House nor the Senate Interior and Insular Affairs Committee disapproves the project proposal by committee resolution. The provisions of this subsection (e) shall not be applicable to proposals made under section 422f of this title.

(f) Consideration of financial feasibility, emergency, or urgent need; jurisdiction and control of project works and facilities.

The Secretary shall give due consideration to financial feasibility, emergency, or urgent need for the project. All project works and facilities constructed under sections 442a to 422k–1 of this title shall remain under the jurisdiction and control of the local contracting organization subject to the terms of the repayment contract. (As amended Nov. 24, 1971, Pub. L. 92–167, § 1(2), 85 Stat. 488; Dec. 27, 1975, Pub. L. 94–181, § 1 (c)–(e), 89 Stat. 1049, 1050.)

REFERENCES IN TEXT

For the amendment of section 422e(a) of this title by Pub. L. 94–181, referred to in subsec. (d), see 1975 Amendment note under section 422e of this title.

AMENDMENTS

1975—Subsec. (d). Pub. L. 94–181, § 1(c), (d), added subsec. (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 94–181, § 1(d), (e), redesignated former subsec. (d) as (e) and, as so redesignated, substituted "(e)" for "(d)". Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 94–181, § 1(e), redesignated former subsec. (e) as (f).

1971—Subsec. (f). Pub. 92–167 substituted in first sentence "project." for "project, whether the proposal involves furnishing supplemental irrigation water for an existing irrigation project, whether the proposal involves rehabilitation of existing irrigation project works, and whether the proposed project is primarily for irrigation".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 422a, 422b, 422c, 422e, 422f, 422g, 422h, 422i, 422j, 422k, 422k–1, 422l of this title.

§ 422e. Contract requirements.

Upon approval of any project proposal by the Secretary under the provisions of section 422d of this title, he may negotiate a contract which shall set out, among other things—

(a) the maximum amount of any loan to be made to the organization and the time and method of making the same available to the organization. Said loan shall not exceed the lesser of (1) two-thirds of the maximum allowable estimated total project cost as determined by section 422b(f) of this title, or (2) the estimated total cost of the project minus the contribution of the local organization as provided in section 422d(b) of this title and the amount of the grant approved;

(b) the maximum amount of any grant to be accorded the organization. Said grant shall not exceed the sum of the following: (1) the costs of investigations, surveys, and engineering and other services necessary to the preparation of proposals and plans for the project allocable to fish and wildlife enhancement or public recreation; (2) one-half the costs of acquiring lands or interests therein to serve exclusively the purposes of fish and wildlife enhancement or public recreation, plus the costs of acquiring joint use lands and interests therein properly allocable to fish and wildlife enhancement and public recreation; (3) one-half the costs of basic public outdoor recreation facilities or facilities serving fish and wildlife enhancement purposes exclusively; (4) one-half the costs of construction of joint use facilities properly allocable to fish and wildlife enhancement or public recreation; and (5) that portion of the estimated cost of constructing the project which, if it were constructed as a Federal reclamation project, would be properly allocable to functions, other than recreation and fish and wildlife enhancement, which are nonreimbursable under general provisions of law applicable to such projects: *Provided,* That the cost of constructing the project as used in this subsection shall be exclusive of the cost of lands and interests in land;

(c) a plan of repayment by the organization of (1) the sums lent to it in not more than fifty years from the date when the principal benefits of the project first become available; (2) interest, as determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which the contract is executed, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue, and by adjusting such average rate to the nearest one-eighth of 1 per centum, on that portion of the loan which is attributable to furnishing irrigation benefits in each particular year to land held in private ownership by any one owner in excess of one hundred and sixty irrigable acres; and (3) in the case of any project involving an allocation to domestic, industrial, or municipal water supply, commercial power, fish and wildlife enhancement, or public recreation, interest on the unamortized balance of an appropriate portion of the loan at a rate as determined in (2) above;

* * * * *

(e) such provisions as the Secretary shall deem necessary or proper to provide assurance of and security for prompt repayment of the loan and interest as aforesaid. The liability of the United States under any contract entered into pursuant to sections 422a to 422k–1 of this title shall be contingent upon the availability of appropriations to carry out the same, and every such contract shall so recite; and

* * * * *

(As amended Nov. 24, 1971, Pub. L. 92–167, § 1(3)–(6), 85 Stat. 488; Dec. 27, 1975, Pub. L. 94–181, § 1, (f), 89 Stat. 1050.)

AMENDMENTS

1975—Subsec. (a)(1). Pub. L. 94–181 substituted "two-thirds of the maximum allowable estimated total project cost as determined by section 422b(f) of this title," for "$10,000,000".

1971—Subsec. (a)(1). Pub. L. 92–167, § 1(3), substituted "$10,000,000" for "$6,500,000".

Subsec. (b)(2). Pub. 92–167, § 1(4), substituted provision for inclusion of one-half of land acquisition costs to serve exclusively the purposes of fish and wildlife enhancement and public recreation, for prior inclusion of such costs for a reservoir or other area to be operated for fish and wildlife enhancement and public recreation purposes and provided for inclusion of costs of acquiring joint use lands and interests therein properly allocable to fish and wildlife enhancement and public recreation.

Subsec. (b)(5). Pub. L. 92–167, § 1(5), inserted proviso excluding from cost of constructing projects, as used in this subsection, cost of lands and interests in land.

Subsec. (c)(3). Pub. L. 92–167, § 1(6), required reimbursable fish and wildlife and recreation costs to be repaid with interest at rate determined by formula set forth in subsec. (c)(2) of this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 422a, 422b, 422c, 422d, 422g, 422h, 422i, 422j, 422k, 422k–1, 422l of this title.

§ 422f. Proposals for projects previously authorized; waiver of requirements; approval; negotiation of contract.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 422k–1 of this title.

§ 422g. Information from Federal agencies; costs.

Upon request of an organization which has made or intends to make a proposal under sections 422a to 422k–1 of this title, the head of any Federal department or agency may make available to the organization any existing engineering, economic, or hydrologic information and printed material that it may

have and that will be useful in connection with the planning, design, construction, or operation and maintenance of the project concerned. The reasonable cost of any plans, specifications, and other unpublished material furnished by the Secretary pursuant to this section and the cost of making and administering any loan under sections 422a to 422k–1 of this title shall, to the extent that they would not be nonreimbursable in the case of a project constructed under the Federal reclamation laws, be treated as a loan and covered in the provisions of the contract entered into under section 422e of this title unless they are otherwise paid for by the organization. (Aug. 6, 1956, ch. 972, § 7, 70 Stat. 1047.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 422a, 422b, 422c, 422d, 422e, 422h, 422i, 422j, 422k, 422k–1, 422*l* of this title.

§ 422h. Planning and construction.

The planning and construction of projects undertaken pursuant to sections 422a to 422k–1 of this title shall be subject to all procedural requirements and other provisions of the Fish and Wildlife Coordination Act, as amended (section 661 to 666c of Title 16). (Aug. 6, 1956, ch. 972, § 8, 70 Stat. 1047; Sept. 2, 1966, Pub. L. 89–553, § 1(5), 80 Stat. 377.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 422a, 422b, 422c, 422d, 422e, 422g, 422i, 422j, 422k, 422k–1, 422*l* of this title.

§ 422i. Rules and regulations.

The Secretary is authorized to perform any and all acts and to make such rules and regulations as may be necessary or proper in carrying out the provisions of sections 422a to 422k–1 of this title. (Aug. 6, 1956, ch. 972, § 9, 70 Stat. 1047.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 422a, 422b, 422c, 422d, 422e, 422g, 422h, 422j, 422k, 422k–1, 422*l* of this title.

§ 422j. Appropriations; notice to Congress of receipt of proposal; funds to initiate proposal; availability of appropriations; reimbursement.

There are authorized to be appropriated, such sums as may be necessary, but not to exceed $400,000,000, to carry out the provisions of sections 422a to 422k–1 of this title: *Provided,* That the Secretary shall advise the Congress promptly on the receipt of each proposal referred to in section 422b of this title, and no contract shall become effective until appropriated funds are available to initiate the specific proposal covered by each contract. All such appropriations shall remain available until expended and shall, insofar as they are used to finance loans made under sections 422a to 422k–1 of this title, be reimbursable in the manner hereinabove provided. (As amended Nov. 24, 1971, Pub. L. 92–167, § 1(7), 85 Stat. 488; Dec. 27, 1975, Pub. L. 94–181, § 1(g), 89 Stat. 1050.)

AMENDMENTS

1975—Pub. L. 94–181 substituted "$400,000,000" for "$300,000,000".

1971—Pub. L. 92–167 substituted "$300,000,000" for "$200,000,000".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 422a, 422b, 422c, 422d, 422e, 422g, 422h, 422i, 422k, 422k–1, 422*l* of this title.

§ 422k. Supplement to Federal reclamation laws; short title.

Sections 422a to 422k–1 of this title shall be a supplement to the Federal reclamation laws and may be cited as the Small Reclamation Projects Act of 1956. (Aug. 6, 1956, ch. 972, § 11, 70 Stat. 1047.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 422a, 422b, 422c, 422d, 422e, 422g, 422h, 422i, 422j, 422k–1, 422*l* of this title.

§ 422k–1. Loan contracts for deferment of repayment installments; amendment or supplementation.

A loan contract negotiated and executed pursuant to sections 422a to 422k–1 of this title may be amended or supplemented for the purpose of deferring repayment installments in accordance with the provisions of section 485b–1(b) of this title. (Aug. 6, 1956, ch. 972, § 13, as added Nov. 24, 1971, Pub. L. 92–167, § 1(8), 85 Stat. 488.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 422a, 422b, 422c, 422d, 422e, 422g, 422h, 422i, 422j, 422k, 422*l* of this title.

§ 422*l*. Application of sections 422a to 422k–1 to Hawaii.

Sections 422a to 422k–1 of this title, as heretofore and hereafter amended, shall apply to the State of Hawaii. (Pub. L. 86–624, § 31, July 12, 1960, 74 Stat. 421.)

PAYMENT OF CONSTRUCTION CHARGES

§ 485b–1. Deferment of installments under repayment contracts; determination of undue burden; conditions; supplemental contract; report to Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 422k–1 of this title.

§ 485g. Classification of lands.

* * * * *

(f) Expenses.

One-half of the expense involved in any classification work undertaken pursuant to this section shall be charged to operation and maintenance administration nonreimbursable; and one-half shall be paid in advance by the organization involved. On determining probable justification for the requested classification or reclassification as provided in this section, the Secretary shall estimate the cost of the work involved and shall submit a statement of the estimated cost to said organization. Said organization, before commencement of the work, shall advance to the United States one-half of the amount set forth in said statement and also shall advance one-half of the amount of supplementary estimates of costs which the Secretary may find it necessary to make from time to time during the progress of the work; and said amounts shall be and remain available for expenditure by the Secretary for the purposes for which they are advanced, until the work is completed or abandoned. After completion or abandonment of the work, the Secretary, shall determine the actual costs thereof; and said organization shall pay any additional amount required to make its total payments hereunder equal to one-half of the actual cost or shall be credited with any amount by which advances made by it exceed one-half of said actual cost, as the case may be.

(g) Classification as prerequisite to contract.

If in the judgment of the Secretary a classification or reclassification pursuant to the provisions of this section is a necessary preliminary to entering into a contract under section 485b or 485c of this title, he may require the same as a condition precedent to entering into such a contract.

(h) Modification of existing obligations.

No modification of any existing obligation to pay construction charges on any project shall be made by reason of any classification or reclassification undertaken pursuant to this section without express authority therefor granted by Congress upon recommendations of the Secretary made in a report under subsection (f) of this section. (As amended Jan. 2, 1975, Pub. L. 93–608, § 1(18), 88 Stat. 1970.)

AMENDMENTS

1975—Subsec. (f). Pub. L. 93–608 redesignated former subsec. (g) as (f). Former subsec. (f), which required a report to Congress by the Secretary on classifications and reclassifications or project lands, was struck out.

Subsecs. (g)–(i). Pub. L. 93–608 redesignated former subsecs. (g) to (i) as (f) to (h), respectively.

§ 485h. New projects; sale of water and electric power; lease of power privileges.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 421b, 600f–2, 600g–2 of this title.

MAINTENANCE AND OPERATION OF WORKS GENERALLY

§ 504. Rehabilitation and betterment of Federal reclamation projects, including small reclamation projects; return of costs; interest; definitions; performance of work.

Expenditures of funds hereafter specifically appropriated for rehabilitation and betterment of any project constructed under authority of the Small Reclamation Projects Act (Act of August 6, 1956, 70 Stat. 1044, and Acts amendatory thereof and supplementary thereto) and of irrigation systems on projects governed by the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), shall be made only after the organizations concerned shall have obligated themselves for the return thereof, in installments fixed in accordance with their ability to pay, as determined by the Secretary of the Interior in the light of their outstanding repayment obligations, and which shall, to the fullest practicable extent, be scheduled for return with their construction charge installments or otherwise scheduled as he shall determine: *Provided*, That repayment of such loans made for small reclamation projects shall include interest in accordance with the provisions of said Small Reclamation Projects Act. No such determination of the Secretary of the Interior shall become effective until the expiration of sixty days after it has been submitted to the Committee on Interior and Insular Affairs of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives; except that, any such determination may become effective prior to the expiration of such sixty days in any case in which each such committee approves an earlier date and notifies the Secretary in writing, of such approval: *Provided*, That when Congress is not in session the Secretary's determination, if accompanied by a finding by the Secretary that substantial hardship to the water users concerned or substantial further injury to the project works will result, shall become effective when the chairman and ranking minority member of each such committee shall file with the Secretary their written approval of said findings. The term "rehabilitation and betterment", as used in this section, shall mean maintenance, including replacements, which cannot be financed currently, as otherwise contemplated by the Federal reclamation laws in the case of operation and maintenance costs, but shall not include construction, the costs of which are returnable, in whole or in part, through "construction charges" as that term is defined in section 485a (d) of this title. Such rehabilitation and betterment work may be performed by contract, by force-account, or, notwithstanding any other law and subject to such reasonable terms and conditions as the Secretary of the Interior shall deem appropriate for the protection of the United States, by contract entered into with the organization concerned whereby such organization shall perform such work. (As amended Oct. 3, 1975, Pub. L. 94–102, 89 Stat. 485.)

REFERENCES IN TEXT

Small Reclamation Projects Act, referred to in text, is classified to sections 422a to 422k–1 of this title.

AMENDMENTS

1975—Pub. L. 94–102 required return of costs for small reclamation projects including interest payments.

CIBOLO PROJECT, TEXAS [NEW]

§ 600f. Authorization for construction, operation, and maintenance; principal features.

The Secretary of the Interior is authorized to construct, operate, and maintain the Cibolo project, Texas, in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and the provisions of sections 600f to 600f–4 of this title and the plan set out in the report of the Secretary on this project with such modification of, omissions from, or additions to the works, as the Secretary may find proper and necessary for the purposes of storing, regulating, and furnishing water for municipal and industrial use, conserving and developing fish and wildlife resources, providing outdoor recreation opportunities, and controlling floods. The principal features of the project shall consist of a dam and reservoir on Cibolo Creek and public outdoor recreation facilities. (Pub. L. 93–493, title II, § 201, Oct. 27, 1974, 88 Stat. 1491.)

REFERENCES IN TEXT

The Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), referred to in text, are classified generally to this title. See Tables Volume for distribution.

§ 600f–1. Interest rate; basis for determination by Secretary of the Treasury.

The interest rate used for computing interest during construction and interest on the unpaid balance of the reimbursable costs of the project shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construc-

tion of the project is commenced, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption for fifteen years from date of issue. (Pub. L. 93–493, title II, § 202, Oct. 27, 1974, 88 Stat. 1491.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 600f of this title.

§ 600f–2. Water delivery and reimbursable construction cost repayment contracts.

(a) Authorization.

The Secretary is authorized to enter into a contract with a qualified entity or entities, for delivery of water and for repayment of all the reimbursable construction costs.

(b) Prerequisite to construction.

Construction of the project shall not be commenced until a suitable contract has been executed by the Secretary with a qualified entity or entities.

(c) Applicability of other provisions.

Such contract may be entered into without regard to the last sentence of section 485h(c) of this title.

(d) Transfer of care, operation, and maintenance of project works upon completion; reimbursement of costs allocable to flood control, fish and wildlife and recreational purposes; operation of projects in accordance with regulations of Secretary of Army and Secretary of Interior.

Upon execution of the contract referred to in subsection (a) of this section, and upon completion of construction of the project, the Secretary shall transfer to a qualified contracting entity or entities the care, operation, and maintenance of the project works; and, after such transfer is made will reimburse the contractor annually for that portion of the year's joint operation and maintenance costs which, if the United States had continued to operate the project, would have been allocated to flood control, fish and wildlife, and recreation purposes. Prior to assuming care, operation, and maintenance of the project works the contracting entity or entities shall be obligated to operate them in accordance with regulations prescribed by the Secretary of the Army with respect to flood control, and by the Secretary of the Interior with respect to fish and wildlife and recreation.

(e) Use of reservoir and related facilities.

Upon execution of the contract referred to in subsection (a) of this section, and upon completion of construction of the project, the contracting entity or entities, their designee or designees, shall have a permanent right to use the reservoir and related facilities of the Cibolo project in accordance with said contract. (Pub. L. 93–493, title II, § 203, Oct. 27, 1974, 88 Stat. 1491.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 600f of this title.

§ 600f–3. Conservation and development of fish and wildlife resources and enhancement of recreation.

The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the Cibolo project shall be in accordance with provisions of the Federal Water Project Recreation Act. (Pub. L. 93–493, title II, § 204, Oct. 27, 1974, 88 Stat. 1492.)

REFERENCES IN TEXT

The Federal Water Project Recreation Act, referred to in text, is classified to section 460*l*–12 et seq. of Title 16, Conservation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 600f of this title.

§ 600f–4. Authorization of appropriations; advancement of non-Federal funds; purpose; amount; discount rate for allocating cost of authorized works.

There is hereby authorized to be appropriated to defray construction costs of the Cibolo reclamation project allocable to flood control, fish and wildlife, and recreation the sum of $24,160,000 (July 1973 prices) plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the type of construction involved herein: *Provided*, That prior to appropriation of any Federal funds the San Antonio River Authority shall, pursuant to a contract satisfactory to the Secretary of the Interior, agree to advance funds for postauthorization planning and construction of the Cibolo reclamation project. The amount of funds to be advanced annually shall be in the proportion to the total annual fund requirements for the project as the construction cost allocated to municipal and industrial water is to the total cost of the project: *Provided further*, That the sum of funds advanced shall not exceed the total project cost allocated to municipal and industrial water. There are also authorized to be appropriated such additional sums as may be required for the operation and maintenance of the project. The discount rate to be used by the Secretary for allocating costs of the works authorized herein shall be the rate for the fiscal year of passage of this Act as derived by the Secretary of the Treasury utilizing the formula set forth in Senate Document Numbered 97, Eighty-seventh Congress, second session, as revised by the Water Resources Council announcement in the Federal Register of December 24, 1968. (Pub. L. 93–493, title II, § 205, Oct. 27, 1974, 88 Stat. 1492.)

REFERENCES IN TEXT

The fiscal year of the passage of this Act, referred to in text, is the fiscal year of the passage of Pub. L. 93–493, which was approved on Oct. 27, 1974.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 600f of this title.

NUECES RIVER PROJECT, TEXAS [NEW]

§ 600g. Authorization for construction, operation, and maintenance; principal features.

The Secretary of the Interior is authorized to construct, operate, and maintain the Nueces River project, Texas, in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and the provisions of sections 600g to 600g–4 of this title and the plan set out in the report of the Secretary on this project with such modification of, omissions from, or additions to the works, as the Secretary may find proper and necessary for the purposes of

storing, regulating, and furnishing water for municipal and industrial use, conserving and developing fish and wildlife resources, and providing outdoor recreation opportunities. The principal features of the project shall consist of the Choke Canyon Dam and Reservoir on the Frio River and public outdoor recreation and sport fishing facilities. (Pub. L. 93–493, title X, § 1001, Oct. 27, 1974, 88 Stat. 1496.)

REFERENCES IN TEXT

The Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), referred to in text, are classified generally to this title. See Tables Volume for distribution.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 600g–4 of this title.

§ 600g–1. Repayment of costs; law governing; interest rate; basis for determination by Secretary of the Treasury.

(a) Costs of the project, allocated to municipal and industrial water supply, shall be repayable to the United States in not more than forty years under either the provisions of the Federal reclamation laws or under the provisions of the Water Supply Act of 1958 (title III of Public Law 85–500, 72 Stat. 319, and Acts mandatory [1] thereof or supplementary thereto): *Provided*, That, in either case, repayment of costs allocated to municipal and industrial water supply shall include interest on the unamortized balance.

(b) The interest rate used for computing interest during construction and interest on the unpaid balance of the reimbursable costs of the project allocated to municipal and industrial water supply shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction of the project is commenced, on the basis of the computed average interest payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption for fifteen years from date of issue. (Pub. L. 93–493, title X, § 1002, Oct. 27, 1974, 88 Stat. 1496.)

REFERENCES IN TEXT

The Federal reclamation laws, referred to in subsec. (a), are classified generally to this title. See Tables Volume for distribution.

The Water Supply Act of 1958, referred to in subsec. (a), is title III of Pub. L. 85–500, 72 Stat. 319, which is classified to section 390b of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 600g, 600g–4 of this title.

§ 600g–2. Water delivery and reimbursable construction cost repayment contracts.

(a) Authorization.

The Secretary is authorized to enter into a contract with a qualified entity or entities, for delivery of water and for repayment of the balance of the reimbursable construction costs.

(b) Prerequisite to construction.

Construction of the project shall not be commenced until a suitable contract has been executed by the Secretary with a qualified entity or entities.

(c) Applicability of other provisions.

Such contract may be entered into without regard to the last sentence of section 485h(c) of this title.

(d) Transfer of care, operation, and maintenance of project works upon completion; credit for costs allocable to fish and wildlife and recreational purposes; operation of project in accordance with regulations of Secretary of Interior.

Upon execution of the contract referred to in subsection (a) of this section, and upon completion of construction of the project, the Secretary shall transfer to a qualified contracting entity or entities the care, operation, and maintenance of the project works, and, after such transfer is made, will credit annually against the contractors repayment obligation that portion of the year's joint operation and maintenance costs which, if the United States had continued to operate the project, would have been allocated to fish and wildlife and recreation purposes. Prior to assuming care, operation, and maintenance of the project works the contracting entity or entities shall agree to operate them in accordance with regulations prescribed by the Secretary of the Interior with respect to fish and wildlife and recreation.

(e) Use of reservoir and related facilities.

Upon complete payment of the obligation assumed, including appropriate interest charges, the contracting entity or entities their designee or designees, shall have a permanent right to use the reservoir and related facilities of the Nueces River project in accordance with said contract. (Pub. L. 93–493, title X, § 1003, Oct. 27, 1974, 88 Stat. 1496.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 600g, 600g–4 of this title.

§ 600g–3. Conservation and development of fish and wildlife resources and enhancement of recreation opportunities.

The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the Nueces River project shall be in accordance with provisions of the Federal Water Project Recreation Act. (Pub. L. 93–493, title X, § 1004, Oct. 27, 1974, 88 Stat. 1497.)

REFERENCES IN TEXT

The Federal Water Project Recreation Act, referred to in the text, is classified to section 460*l*–12 et seq. of Title 16, Conservation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 600g, 600g–4 of this title.

§ 600g–4. Authorization of appropriations; advancement of non-Federal funds; use of advance as credit for repayment obligations; interim use of advance; termination of activities.

There is hereby authorized to be appropriated for construction of the Nueces River project, Texas, the sum of $50,000,000 (January 1974 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the type of construction involved herein: *Provided*, That, prior to appropriation of any Federal funds, a qualified local entity shall, pursuant to a contract satisfactory to the Secretary, agree to advance on a schedule mutually acceptable to the local entity and the Secretary, the sum of not less than $15,000,000 representing a non-Federal contribution toward implementation of sections 600g to 600g–4 of this title.

[1] So in original. Probably should read "amendatory".

Upon completion of the work authorized herein, the aforesaid $15,000,000 shall be applied as a credit to the repayment obligation of the local entity for municipal and industrial water service.

The Secretary is authorized and directed, upon receipt of the aforesaid advance to proceed with postauthorization planning, preparation of designs and specifications, land acquisition, and award of construction contracts pending availability of appropriated funds.

At any time following the first advance of funds by the local entity, said entity may request that the Secretary terminate activities then in progress, return unexpended balances of the funds so advanced, assign to the local entity the rights to any contract in force, convey any real estate acquired by the advanced funds and provide any data, drawings, or other items of value procured with advanced funds to the local entity; and such request shall be binding upon the Secretary. (Pub. L. 93–493, title X, § 1005, Oct. 27, 1974, 88 Stat. 1497.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 600g of this title.

GILA PROJECT, ARIZONA

§§ 613 to 613e.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 1571, 1573 of this title.

NAVAJO IRRIGATION PROJECT, NEW MEXICO; SAN JUAN-CHAMA PROJECT, COLORADO-NEW MEXICO

§ 615ww. Studies of quality of water of Colorado River system; reports to Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1596, 1597 of this title.

CLOSED BASIN DIVISION; SAN LUIS VALLEY PROJECT, COLORADO [NEW]

§ 615aaa. Authorization for construction, operation, and maintenance; Mishak National Wildlife Refuge; Alamosa National Wildlife Refuge.

(a) The Secretary of the Interior is authorized to construct, operate, and maintain the closed basin division, San Luis Valley project, Colorado, including channel rectification of the Rio Grande between the uppermost point of discharge into the river of waters salvaged by the project, and the Colorado-New Mexico State line, so as to provide for the carriage of water so salvaged without flooding of surrounding lands, to minimize losses of waters through evaporation, transpiration, and seepage, and to provide a conduit for the reception of waters salvaged by drainage projects undertaken in the San Luis Valley below Alamosa, Colorado, in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), and as otherwise provided in this Act, for the principal purposes of salvaging, regulating, and furnishing water from the closed basin area of Colorado; transporting such water into the Rio Grande; making water available for fulfilling the United States obligation to the United States of Mexico in accordance with the treaty dated May 21, 1906 (34 Stat. 2953); furnishing irrigation water, industrial water, and municipal water supplies to water deficient areas of Colorado, New Mexico, and Texas through direct diversion and exchange of water; establishing the Mishak National Wildlife Refuge and furnishing a water supply for the operation of the Mishak National Wildlife Refuge and the Alamosa National Wildlife Refuge and for conservation and development of other fish and wildlife resources; providing outdoor recreational opportunities; augmenting the flow of the Rio Grande; and other useful purposes, in substantial accordance with the engineering plans set out in the report of the Secretary of the Interior on this project: *Provided*, That no wells of the project, other than observation wells, shall be permitted to penetrate the aquiclude, or first confining clay layer.

(b) Construction of the project may be undertaken in such units or stages as in the determination of the Secretary will best serve project requirements and meet water needs: *Provided*, That construction of each of the successive units or stages after stage 1 of said project shall be undertaken only with the consent of the Colorado Water Conservation Board and the Rio Grande Water Conservation District of the State of Colorado.

(c) The closed basin division, San Luis Valley project, Colorado, shall be operated in such manner that the delivery of water to the river and return flows of water will not cause the Rio Grande system to be in violation of water quality standards promulgated pursuant to the Water Quality Act of 1965. (Pub. L. 92–514, title I, § 101, Oct. 20, 1972, 86 Stat. 964.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 92–514, which is classified to sections 615aaa to 615jjjj of this title.

The Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), referred to in subsec. (a), are classified generally to this title. See Tables Volume for distribution.

The Water Quality Act of 1965, referred to in subsec. (c), was Pub. L. 89–234, Oct. 2, 1965, 79 Stat. 903, which was classified to various sections of Title 33, Navigation and Navigable Waters. See Tables Volume for distribution. Water quality standards are now promulgated pursuant to section 1313 of Title 33.

SHORT TITLE

Section 1 of Pub. L. 92–514 provided: "That this Act [which enacted sections 615aaa to 615jjjj of this title] shall be known as the Reclamation Project Authorization Act of 1972."

§ 615bbb. Control system; maintenance of water table.

(a) Prior to commencement of construction of any part of the project, except channel rectification, there shall be incorporated into the project plans a control system of observation wells, which shall be designed to provide positive identification of any fluctuations in the water table of the area surrounding the project attributable to operation of the project or any part thereof. Such control system, or so much thereof as is necessary to provide such positive identification with respect to any stage of the project shall be installed concurrently with such stage of the project.

(b) The Secretary shall operate project facilities in a manner that will not cause the water table available for any irrigation or domestic wells in

existence prior to the construction of the project to drop more than two feet and in a manner that will not cause reduction of artesian flows in existence prior to the construction of the project. (Pub. L. 92–514, title I, § 102, Oct. 20, 1972, 86 Stat. 964.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 615ccc of this title.

§ 615ccc. Operating committee; establishment; membership.

There is hereby established an operating committee consisting of one member appointed by the Secretary, one member appointed by the Colorado Water Conservation Board, and one member appointed by the Rio Grande Water Conservation District, which is authorized to determine from time to time whether the requirements of section 615bbb of this title are being complied with. The committee shall inform the Secretary if the operation of the project fails to meet the requirements of section 615bbb of this title or adversely affects the beneficial use of water in the Rio Grande Basin in Colorado as defined in article I(c) of the Rio Grande compact (53 Stat. 785). Upon receipt of such information the Secretary shall modify, curtail, or suspend operation of the project to the extent necessary to comply with such requirements or eliminate such adverse effect. (Pub. L. 92–514, title I, § 103, Oct. 20, 1972, 86 Stat. 965.)

§ 615ddd. Nonreimbursable costs; priority of water availability.

(a) Except as hereinafter provided, project costs shall be nonreimbursable.

(b) After the project or any phase thereof has been constructed and is operational, the Secretary shall make water available in the following listed order of priority:

(1) To assist in making the annual delivery of water at the gaging station on the Rio Grande near Lobatos, Colorado, as required by article III of the Rio Grande compact: *Provided,* That the total amount of water delivered for this purpose shall not exceed an aggregate of six hundred thousand acre-feet for any period of ten consecutive years reckoned in continuing progressive series beginning with the first day of January next succeeding the year in which the Secretary determined that the project authorized by this Act is operational.

(2) To maintain the Alamosa National Wildlife Refuge and the Mishak National Wildlife Refuge: *Provided,* That the amount of water delivered to the Alamosa National Wildlife Refuge shall not exceed five thousand three hundred acre-feet annually, and the water delivered to the Mishak National Wildlife Refuge shall not exceed twelve thousand five hundred acre-feet annually.

(3) To apply to the reduction and elimination of any accumulated deficit in deliveries by Colorado as is determined to exist by the Rio Grande Compact Commission under article VI of the Rio Grande compact at the end of the compact water years in which the Secretary first determines the project to be operational.

(4) For irrigation or other beneficial uses in Colorado: *Provided,* That no water shall be delivered until agreements between the United States and water users in Colorado, or the Rio Grande Water Conservation District acting for them, have been executed providing for the repayment of such costs as in the opinion of the Secretary are appropriate and within the ability of the users to pay. (Pub. L. 92–514, title I, § 104, Oct. 20, 1972, 86 Stat. 965.)

REFERENCES IN TEXT

This Act, referred to in subsec. (b)(1), is Pub. L. 92–514, which is classified to sections 615aaa to 615jjjj of this title.

§ 615eee. Easements and rights-of-way.

Construction of the project shall not be started until the State of Colorado agrees that it will, as its participation in the project, convey to the United States easements and rights-of-way over lands owned by the State that are needed for wells, channels, laterals, and wildlife refuge areas, as identified in the project plan. Acquisition of privately owned land shall, where possible and consistent with the development of the project, be restricted to easements and rights-of-way in order to minimize the removal of land from local tax rolls. (Pub. L. 92–514, title I, § 105, Oct. 20, 1972, 86 Stat. 965.)

§ 615fff. Fish and wildlife resources.

Conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the closed basin division of the San Luis Valley project works authorized by this Act shall be in accordance with the provisions of the Federal Water Project Recreation Act. (Pub. L. 92–514, title I, § 106, Oct. 20, 1972, 86 Stat. 966.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 92–514, which is classified to sections 615aaa to 615jjjj of this title.

The Federal Water Project Recreation Act, referred to in text, is classified to section 460*l*–12 et seq. of Title 16, Conservation.

§ 615ggg. Transfer of functions.

The Secretary is authorized to transfer to the State of Colorado or to any qualified agency or political subdivision of the State, or to a water users' organization, responsibility for the care, operation, and maintenance of the project works, or any part thereof. The agency or organization assuming such obligation shall obligate itself to operate the project works in accordance with regulations prescribed by the Secretary. (Pub. L. 92–514, title I, § 107, Oct. 20, 1972, 86 Stat. 966.)

§ 615hhh. Abrogation, amendment, modification, or conflict with existing provisions.

Nothing contained in this Act of this title shall be construed to abrogate, amend, modify, or be in conflict with any provisions of the Rio Grande compact; or to shift any legal burden of delivery from the Rio Grande or the Conejos River to the closed basin. (Pub. L. 92–514, title I, § 108, Oct. 20, 1972, 86 Stat. 966.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 92–514, which is classified to sections 615aaa to 615jjjj of this title.

§ 615iii. Authorization of appropriations.

There is hereby authorized to be appropriated for construction of the closed basin division of the San

Luis Valley project the sum of $18,246,000 (April 1972 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuation in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein, and such additional sums as may be required for operation and maintenance of the project. (Pub. L. 92–514, title I, § 109, Oct. 20, 1972, 86 Stat. 966.)

BRANTLEY PROJECT, PECOS RIVER BASIN, NEW MEXICO [NEW]

§ 615jjj. Authorization for construction, operation, and maintenance.

The Secretary of the Interior is authorized to construct, operate, and maintain the Brantley project, Pecos River Basin, New Mexico, in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and the provisions of this Act and the plan set out in the report of the Secretary on this project, with such modification of, omissions from, or additions to the works, as the Secretary may find proper and necessary for the purposes of irrigation, flood control, fish and wildlife and recreation, and for the elimination of the hazards of failure of McMilland and Avalon Dams: *Provided*, That the Secretary of the Interior shall operate the existing Alamogordo Dam and Reservoir unit: *And provided further*, That the Secretary of the Interior shall familiarize himself with the water rights of appropriators of water from the Pecos River and shall promulgate criteria for the operation of the Brantley project and other irrigation storage projects on the Pecos River in the State of New Mexico that will preclude any detrimental effect on water rights in the Pecos River so that appropriators of water will not be adversely and unreasonably affected by such operations. (Pub. L. 92–514, title II, § 201, Oct. 20, 1972, 86 Stat. 966.)

References in Text

The Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), referred to in text, are classified generally to this title. See Tables Volume for distribution.

This Act, referred to in text, is Pub. L. 92–514, which is classified to sections 615aaa to 615jjjj of this title.

§ 615kkk. Fish and wildlife resources; recreation opportunities.

The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the Brantley project shall be in accordance with the provisions of the Federal Water Project Recreation Act. (Pub. L. 92–514, title II, § 202, Oct. 20, 1972, 86 Stat. 966.)

References in Text

The Federal Water Project Recreation Act, referred to in text, is classified to section 460*l*–12 et seq. of Title 16, Conservation.

§ 615*lll*. Pecos River Compact.

Nothing in this Act shall be construed to alter, amend, repeal, modify, or be in conflict with the provisions of the Pecos River Compact, 1948, consented to by the Congress in the Act of June 9, 1949. (Pub. L. 92–514, title II, § 203, Oct. 20, 1972, 86 Stat. 967.)

References in Text

This Act, referred to in text, is Pub. L. 92–514, which is classified to sections 615aaa to 615jjjj of this title.

§ 615mmm. Flood control and safety costs; fish and wildlife; recreation.

The costs allocated to flood control and the safety of dams purposes of the project shall be nonreimbursable and nonreturnable. The repayment of costs allocated to recreation and fish and wildlife enhancement shall be in accordance with the provisions of the Federal Water Project Recreation Act. (Pub. L. 92–514, title II, § 204, Oct. 20, 1972, 86 Stat. 967.)

References in Text

The Federal Water Project Recreation Act, referred to in text, is classified to section 460*l*–12 et seq. of Title 16, Conservation.

§ 615nnn. Interest rates.

The interest rate used for computing interest during construction and interest on the unpaid balance of the reimbursable costs of the Brantley project shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction on the project is commenced, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption for fifteen years from date of issue. (Pub. L. 92–514, title II, § 205, Oct. 20, 1972, 86 Stat. 967.)

§ 615*ooo*. Authorization of appropriations.

There is hereby authorized to be appropriated for construction of the Brantley project the sum of $45,605,000 (based on July 1971 prices), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering cost idexes applicable to the types of construction involved and, in addition thereto, sums as may be required for operation and maintenance of the project. (Pub. L. 92–514, title II, § 206, Oct. 20, 1972, 86 Stat. 967.)

SALMON FALLS DIVISION, UPPER SNAKE RIVER PROJECT, IDAHO [NEW]

§ 615ppp. Authorization for construction, operation, and maintenance; principal works.

For the primary purposes of providing irrigation water supplies and the enhancement of fish and wildlife resources, and other purposes, the Secretary of the Interior, acting pursuant to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), is authorized to construct, operate, and maintain the Salmon Falls division, Upper Snake River project, Idaho. The principal works of the divisions shall consist of the Milner pumping plant, the Milner-Salmon Falls Canal, relift pumping stations, water distribution facilities, wells to provide supplemental water, drainage facilities, and related works. The wells to provide supplemental water, authorized by this Act, shall be so located that the irrigation water produced therefrom can be delivered to the lands of the Salmon Falls division without the requirement for water rights exchange agreements between the Salmon River Canal Company and the North Side

Canal Company of Jerome, Idaho. (Pub. L. 92–514, title III, § 301, Oct. 20, 1972, 86 Stat. 967.)

REFERENCES IN TEXT

The Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), referred to in text, are classified generally to this title. See Tables Volume for distribution.

This Act, referred to to in text, is Pub. L. 92–514, which is classified to sections 615aaa to 615jjjj of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 615qqq of this title.

§ 615qqq. Water exchanges.

Any exchanges of water which may be required in connection with the operation of the division authorized by sections 615ppp to 615www of this title shall be made in conformity with applicable State law and shall in no way jeopardize, diminish, or otherwise alter contractual rights and obligations now in existence or water rights acquired under State law, and shall be without prejudice to, but in enjoyment of, the rights of the appropriator participating in the exchange as a use under his original appropriation. Existing water users shall bear no additional costs as a consequence of any exchange in their service area. (Pub. L. 92–514, title III, § 302, Oct. 20, 1972, 86 Stat. 967.)

§ 615rrr. Irrigation repayment contracts.

Irrigation repayment contracts shall provide, with respect to any contract unit, for repayment of the irrigation construction costs assigned to the irrigators for repayment over a period of not more than fifty years, exclusive of any development period authorized by law. Construction costs allocated to irrigation beyond the ability of irrigators to repay shall be charged to and returned to the reclamation fund in accordance with the provisions of sections 835j to 835m of Title 16. (Pub. L. 92–514, title III, § 303, Oct. 20, 1972, 86 Stat. 967.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 615qqq of this title.

§ 615sss. Fish and wildlife benefits.

The provision of lands, facilities, and project modifications which furnish fish and wildlife benefits in connection with the Salmon Falls division shall be in accordance with the Federal Water Project Recreation Act. (Pub. L. 92–514, title III, § 304, Oct. 20, 1972, 86 Stat. 968.)

REFERENCES IN TEXT

The Federal Water Projects Recreation Act, referred to in text, is classified to section 460*l*–12 of Title 16, Conservation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 615qqq of this title.

§ 615ttt. Irrigation water pumping power.

Power and energy required for irrigation water pumping for the Salmon Falls division shall be made available by the Secretary from the Federal Columbia River power system at charges determined by him. (Pub. L. 92–514, title III, § 305, Oct. 20, 1972, 86 Stat. 968.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 615qqq of this title.

§ 615uuu. Interest rates.

The interest rate used for computing interest during construction and interest on the unpaid balance of the reimbursable costs of the Salmon Falls division shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction on the division is commenced, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for fifteen years from date of issue. (Pub. L. 92–514, title III, § 306, Oct. 20, 1972, 86 Stat. 968.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 615qqq of this title.

§ 615vvv. Newly irrigated lands.

For a period of ten years from October 20, 1972, no water from the project authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 1301(b)(10) of Title 7, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security. (Pub. L. 92–514, title III, § 307, Oct. 20, 1972, 86 Stat. 968.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 92–514, which is classified to sections 615aaa to 615jjjj of this title.

The Agricultural Act of 1949, referred to in text, is classified to section 1421 et seq. of Title 7, Agriculture. The definition of "basic agricultural commodity" is set out in section 1428 of Title 7.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 615qqq of this title.

§ 615www. Authorization of appropriations.

There is hereby authorized to be appropriated for construction of the works herein authorized and for the acquisition of the necessary land and rights the sum of $62,258,000 (January 1972 prices), plus or minus such amounts, if any, as may be required by reason of changes in the cost of construction work of the types involved therein as shown by engineering cost indexes. There are also authorized to be appropriated such sums as may be required for the operation and maintenance of said division. (Pub. L. 92–514, title III, § 308, Oct. 20, 1972, 86 Stat. 968.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 615qqq of this title.

O'NEILL UNIT, PICK-SLOAN MISSOURI BASIN PROGRAM, NEBRASKA [NEW]

§ 615xxx. Authorization for construction, operation, and maintenance; principal features.

The O'Neill unit, heretofore authorized as an integral part of the Pick-Sloan Missouri Basin program

by the Act of August 21, 1954 (68 Stat. 757), is hereby reauthorized as a unit of that project for the purposes of providing irrigation water for seventy-seven thousand acres of land, flood control, fish and wildlife conservation and development, public outdoor recreation, and for other purposes. The construction, operation, and maintenance of the O'Neill unit shall be subject to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto). The principal features of the unit shall include Norden Dam and Reservoir, related canals, a pumping plant, distribution systems, and other necessary works needed to effect the aforesaid purposes. (Pub. L. 92–514, title IV, § 401, Oct. 20, 1972, 86 Stat. 968.)

REFERENCES IN TEXT

The Act of August 21, 1954 (68 Stat. 757), referred to in text, was not classified to the Code.

The Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), referred to in text, are classified generally to this title. See Tables Volume for distribution.

§ 615yyy. Fish and wildlife resources; recreation opportunities.

The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the O'Neill unit shall be in accordance with provisions of the Federal Water Project Recreation Act. (Pub. L. 92–514, title IV, § 402, Oct. 20, 1972, 86 Stat. 969.)

REFERENCES IN TEXT

The Federal Water Project Recreation Act, referred to in text, is classified to section 460*l*–12 et seq. of Title 16, Conservation.

§ 615zzz. Integration with other Federal works.

The O'Neill unit shall be integrated physically and financially with the other Federal works constructed under the comprehensive plan approved by section 9 of the Flood Control Act of December 22, 1944, as amended and supplemented. (Pub. L. 92–514, title IV, § 403, Oct. 20, 1972, 86 Stat. 969.)

REFERENCES IN TEXT

Section 9 of the Flood Control Act of December 22, 1944, as amended and supplemented, was not classified to the Code.

§ 615aaaa. Interest rates.

The interest rate used for purposes of computing interest during construction and interest on the unpaid balance of the capital costs allocated to interest-bearing features of the project shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable to the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue. (Pub. L. 92–514, title IV, § 404, Oct. 20, 1972, 86 Stat. 969.)

§ 615bbbb. Newly irrigated lands.

For a period of ten years from October 20, 1972, no water from the project authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 1301(b)(10) of Title 7, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security (Pub. L. 92–514, title IV, § 405, Oct. 20, 1972, 86 Stat. 969.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 92–514, which is classified to sections 615aaa to 615jjjj of this title.

The Agricultural Act of 1949, referred to in text, is classified to section 1421 et seq. of Title 7, Agriculture. The definition of "basic agricultural commodity" is set out in section 1428 of Title 7.

§ 615cccc. Authorization of appropriations.

There is hereby authorized to be appropriated for construction of the O'Neill unit as authorized in this Act the sum of $113,300,000 (based upon January 1972 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction involved herein. There are also authorized to be appropriated such additional sums as may be required for operation and maintenance of the unit. (Pub. L. 92–514, title IV, § 406, Oct. 20, 1972, 86 Stat. 969.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 92–514, which is classified to sections 615aaa to 615jjjj of this title.

NORTH LOUP DIVISION, PICK-SLOAN MISSOURI BASIN PROGRAM, NEBRASKA [NEW]

§ 615dddd. Authorization; principal features.

The North Loup division heretofore authorized as an integral part of the Missouri River Basin project by section 9 of the Flood Control Act of December 22, 1944, as amended and supplemented, is hereby reauthorized as a unit of that project for the purposes of providing irrigation water for fifty-three thousand acres of land, enchancement of outdoor recreation opportunities, conservation and development of fish and wildlife resources, and for other purposes. The principal features of the North Loup division shall include Calamus and Davis Creek Dams and Reservoirs, Kent diversion works; irrigation canals; pumping facilities; associated irrigation distribution and drainage works; facilities for public outdoor recreation and fish and wildlife developments; and other necessary works and facilities to effect its purposes. (Pub. L. 92–514, title V, § 501, Oct. 20, 1972, 86 Stat. 969.)

REFERENCES IN TEXT

Section 9 of the Flood Control Act of December 22, 1944, referred to in text, was not classified to the Code.

§ 615eeee. Interest rates.

The interest rate used for purposes of computing interest during construction and interest on the unpaid balance of the capital costs allocated to interest-bearing features of the project shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon

its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue. (Pub. L. 92–514, title V, § 502, Oct. 30, 1972, 86 Stat. 969.)

§ 615ffff. Fish and wildlife resources; recreation opportunities.

The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the North Loup division shall be in accordance with provisions of the Federal Water Project Recreation Act. (Pub. L. 92–514, title V, § 503, Oct. 20, 1972, 86 Stat. 970.)

REFERENCES IN TEXT

The Federal Water Project Recreation Act, referred to in text, classified to section 460*l*–12 of Title 16, Conservation.

§ 615gggg. Integration with other Federal works.

The North Loup division shall be integrated, physically and financially, with the other Federal works in the Missouri Basin constructed or authorized to be constructed under the comprehensive plans approved by section 9 of the Act of December 22, 1944 (58 Stat. 891), as amended and supplemented. (Pub. L. 92–514, title V, § 504, Oct. 20, 1972, 86 Stat. 970.)

REFERENCES IN TEXT

Section 9 of the Act of December 22, 1944, referred to in text, was not classified to the Code.

§ 615hhhh. Limitations on diversion of waters.

The North Loup division shall be so constructed and operated that no water shall be diverted from either the Calamus or the North Loup Rivers for any use by the division during the months of July and August each year; and no water shall be diverted from said rivers during the month of September each year whenever during said month there is sufficient water available in the division storage reservoirs to deliver the design capacity of the canals receiving water from said reservoirs. (Pub. L. 92–514, title V, § 505, Oct. 20, 1972, 86 Stat. 970.)

§ 615iiii. Newly irrigated lands.

For a period of ten years from October 20, 1972, no water from the project authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 1301(b)(10) of Title 7, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security. (Pub. L. 92–514, title V, § 506, Oct. 20, 1972, 86 Stat. 970.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 92–514, which is classified to sections 615aaa to 615jjjj of this title.

The Agricultural Act of 1949, referred to in text, is classified to section 1421 et seq. of Title 7, Agriculture. The definition of "basic agricultural commodity" is set out in section 1428 of Title 7.

§ 615jjjj. Authorization of appropriations.

There is hereby authorized to be appropriated for construction of the North Loup division as authorized in this Act the sum of $79,500,000 (based upon January 1972 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering costs indexes applicable to the types of construction involved herein. There are also authorized to be appropriated such additional sums as may be required for operation and maintenance of the division. (Pub. L. 92–514, title V, § 507, Oct. 20, 1972, 86 Stat. 970.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 92–514, which is classified to sections 615aaa to 615jjj of this title.

FRYINGPAN-ARKANSAS PROJECT, COLORADO

§ 616e. Studies of water quality and means of improvement thereof to continue; reports to Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1596, 1597 of this title.

§ 616f. Authorization of appropriations.

There is authorized to be appropriated for construction of the Fryingpan-Arkansas project, the sum of $432,000,000 (January 1974 price levels), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein. There are also authorized to be appropriated such additional sums as may be required for operation and maintenance of the project and for future costs incurred under section 616c of this title. (As amended Pub. L. 93–493, title XI, § 1101, Oct. 27, 1974, 88 Stat. 1497.)

AMENDMENTS

1974—Pub. L. 93–493 substituted "$432,000,000 (January 1974 price levels)" for "$170,000,000 (June 1961 prices)".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 616, 616b, 616c, 616d of this title.

MOUNTAIN PARK PROJECT, OKLAHOMA

§ 616aaaa. Authorization for construction, operation, and maintenance.

The Secretary of the Interior is authorized to construct, operate, and maintain the Mountain Park reclamation project, Oklahoma, under the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) for the principal purposes of storing, regulating, and furnishing water for municipal, domestic, and industrial uses, conserving and developing fish and wildlife resources, providing outdoor recreation opportunities, and controlling floods. The principal features of the project shall consist of a dam and reservoir on Otter Creek, a diversion dam on Elk Creek, a canal from the diversion dam to a storage reservoir on Otter Creek, aqueducts from the storage reservoir to the cities of Altus, Snyder, and Frederick, Oklahoma, a wildlife management area, and basic public outdoor recreation facilities. Construction of the project may be undertaken in such units or stages as in the determination of the Secretary will

best serve project requirements and meet water needs. (As amended Pub. L. 93–493, title III, § 301, Oct. 27, 1974, 88 Stat. 1492.)

REFERENCES IN TEXT

The Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), referred to in the text, are classified generally to this title. See Tables Volume for distribution.

AMENDMENTS

1974—Pub. L. 93–493 substituted "Altus, Snyder, and Frederick, Oklahoma" for "Altus and Snyder, Oklahoma".

TOM STEED RESERVOIR

Pub. L. 94–77, Aug. 9, 1975, 89 Stat. 410, provided: "That the Mountain Park Reservoir, Oklahoma, authorized to be constructed by the Act of September 21, 1968 (82 Stat. 853) [sections 616aaaa to 616ffff of this title], shall be known and designated hereafter as the Tom Steed Reservoir. Any law, regulation, map, document, record, or other paper of the United States in which such reservoir is referred shall be held to refer to such reservoir as the Tom Steed Reservoir."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 616bbbb of this title.

§ 616ffff. Authorization of appropriations.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 616ffff–1 of this title.

§ 616ffff–1. Same; increase of amount.

The amount which section 616ffff of this title authorizes to be appropriated is hereby further increased by the sum of $6,057,000 (January 1974 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering costs indexes applicable to the type of construction involved herein. (Pub. L. 93–493, title III, § 302, Oct. 27, 1974, 88 Stat. 1492.)

TOUCHET DIVISION; WALLA WALLA PROJECT, OREGON-WASHINGTON

§ 616yyyy. Authorization of appropriations.

There are authorized to be appropriated for construction of the works involved in the Touchet Division the sum of $22,774,000 (January 1969 prices), plus or minus such amounts, if any, as may be required by reason of changes in the cost of construction work of the types involved therein as shown by engineering cost indexes, and, in addition thereto, such sums as may be required to operate and maintain such division. (As amended Pub. L. 94–175, Dec. 23, 1975, 89 Stat. 1030.)

AMENDMENTS

1975—Pub. L. 94–175 consolidated former subsecs. (a) to (c) as the entire section, and as so consolidated, struck out provisions relating to the appropriation of funds to the United States Fish and Wildlife Service, for transfer to the Bureau of Reclamation, allocable to the enhancement of anadromous fish.

Chapter 12A. BOULDER CANYON PROJECT

SUBCHAPTER I.—BOULDER CANYON PROJECT ACT

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1597 of this title.

§ 617d. Contracts for storage and use of waters for irrigation and domestic purposes; generation and sale of electrical energy.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1572 of this title.

SUBCHAPTER II.—BOULDER CANYON PROJECT ADJUSTMENT ACT

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1597 of this title.

Chapter 12B.—COLORADO RIVER STORAGE PROJECT

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1595, 1597 of this title; title 16 section 460dd–3.

§ 620d. Upper Colorado River Basin Fund.

* * * * *

(d) Payments of revenues in excess of operating needs to Treasury.

Revenues in the Basin Fund in excess of operating needs shall be paid annually to the general fund of the Treasury to return—

* * * * *

(3) interest on the unamortized balance of the investment (including interest during construction) in the power and municipal water supply features of each unit, participating project, or any separable feature thereof, at a rate determined by the Secretary of the Treasury as provided in subsection (f), and interest due shall be a first charge;

(4) the costs of each storage unit which are allocated to irrigation pursuant to section 620e of this title within a period not exceeding fifty years; and

(5) the costs of each salinity control unit or separable feature thereof payable from the Upper Colorado River Basin Fund in accordance with sections 1595(a)(2), 1595(a)(3), and 1595(c) of this title.

* * * * *

(As amended June 24, 1974, Pub. L. 93–320, title II, § 205(d), 88 Stat. 273.)

AMENDMENTS

1974—Subsec. (d). Pub. L. 93–329 added par. (5).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 616kk, 620d–1, 1595, 1597 of this title.

§ 620k. Appropriations.

ADDITIONAL APPROPRIATIONS AUTHORIZED FOR CERTAIN PROJECTS IN THE UPPER COLORADO RIVER BASIN

Pub. L. 92–370, Aug. 10, 1972, 86 Stat. 525, provided: "That in order to provide for completion of construction of the Cureacanti, Flaming Gorge, Glen Canyon, and Navajo units, and transmission division of the Colorado River storage project, and for completion of construction of the following participating projects: Central Utah (initial phase—Bonneville, Jensen, Upalco, and Vernal units), Emery County, Florida, Hammond, LaBarge, Lyman, Paonia, Seedskadee, Silt, and Smith Fork; the amount which section 12 of the Act of April 11, 1956 (79 Stat. 105) [this section] authorizes to be appropriated is hereby further increased by the sum of $610,000,000, plus

or minus such amounts, if any, as may be required, by reason of changes in construction costs as indicated by engineering cost indexes applicable to the type of construction involved. This additonal sum shall be available solely for continuing construction of the previously authorized units and projects named herein."

§ 620n. Water quality study and reports.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1596, 1597 of this title.

Chapter 15.—APPROPRIATION OF WATERS; RESERVOIR SITES

§ 666. Suits for adjudication of water rights.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 28 section 2409a.

Chapter 16.—SALE AND DISPOSAL OF PUBLIC LANDS

§ 682. Sale for cemetery purposes.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1621 of this title.

§ 687a–2. Lands on navigable waters.

No entry shall be allowed under this Act on lands abutting on navigable water of more than eighty rods. (May 14, 1898, ch. 299, § 10, 30 Stat. 413; Aug. 3, 1955, ch. 496, § 2, 69 Stat. 444.)

REFERENCES IN TEXT

This Act, referred to in the text, is Act May 14, 1898. For distribution of such act in this Code, see Tables.

CODIFICATION

Section is comprised of the first proviso of the first paragraph of section 10 of act May 14, 1898. The remainder of section 10 of the act May 14, 1898, is classified to sections 270–4, 687a and 687a–3 to 687a–5 of this title.

AMENDMENTS

1955—Act Aug. 3 1955 eliminated provisions which reserved from sale and entry a space of 80 rods in width between tracts on navigable waters.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 687a–6, 687b–3, 942–1, 942–3, 942–4, 942–5, 942–6, 942–7, 942–8 of this title; title 30 section 49a.

Chapter 22.—RIGHTS-OF-WAY AND OTHER EASEMENTS FOR PUBLIC LANDS

§§ 946 to 950, 956, 959.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 421c of this title.

§§ 975a to 975g.

CODIFICATION

Sections 975a to 975g of this title were formerly classified to sections 301 to 308 of Title 48, respectively.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in title 16 section 353a; title 49 section 1655.

Chapter 28.—MISCELLANEOUS PROVISIONS RELATING TO THE PUBLIC LANDS

OREGON AND CALIFORNIA RAILROAD AND COOS BAY WAGON ROAD GRANT LANDS

Sec.

1181f. Oregon and California land-grant funds; annual distribution of moneys.

1181f–1. Coos Bay Wagon Road grant fund; annual payments; appraisal and assessment of land and timber; computation of payments [New].

1181f–2. Appraisal of land and timber: manner and frequency; computation of amounts upon basis of last appraisement; deduction of appraisement expenses [New].

1181f–3. Additional sum from surplus for meeting payments due from insufficient annual receipts; maximum aggregate of decennial payments; covering of excess receipts into general fund of Treasury [New].

1181f–4. Amount available for administration of Coos Bay Wagon Road grant lands under sections 1181a to 1181f of this title; covering of unused receipts into general fund of Treasury [New].

OREGON AND CALIFORNIA RAILROADS AND COOS BAY WAGON ROAD GRANT LANDS

§§ 1181a to 1181e.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 1181f–4 of this title.

§ 1181f. Oregon and California land-grant fund; annual distribution of moneys.

On and after March 1, 1938, all moneys deposited in the Treasury of the United States in the special fund designated the "Oregon and California land-grant fund" shall be distributed annually as follows:

(a) Fifty per centum to the counties in which the lands revested under the Act of June 9, 1916 (39 Stat. 218), are situated, to be payable on or after June 30, 1938, and each year thereafter to each of said counties in the proportion that the total assessed value of the Oregon and California grant lands in each of said counties for the year 1915 bears to the total assessed value of all of said lands in the State of Oregon for said year, such moneys to be used as other county funds: *Provided, however,* That for the purposes of this subsection the portion of the said revested Oregon and California railroad grant lands in each of said counties which was not assessed for the year 1915 shall be deemed to have been assessed at the average assessed value of the grant lands in said county.

(b) Twenty-five per centum to said counties as money in lieu of taxes accrued or which shall accrue to them prior to March 1, 1938, under the provisions of the Act of July 13, 1926 (44 Stat. 915), and which taxes are unpaid on said date, such moneys to be paid to said counties severally by the Secretary of the Treasury of the United States, upon certification by the Secretary of the Interior, until such tax indebtedness as shall have accrued prior to March 1, 1938, is extinguished.

From and after payment of the above accrued taxes said 25 per centum shall be accredited annually to the general fund in the Treasury of the United States until all reimbursable charges against the Oregon and California land-grant fund owing to the general fund in the Treasury have been paid: *Provided,* That if for any year after the extinguishment of the tax indebtedness accruing to the counties prior to March 1, 1938, under the provisions of Forty-fourth Statutes, page 915, the total amount payable under subsection (a) of this section is less than 78 per centum of the aggregate amount of tax claims which accrued to said counties under said Act for the year 1934, there shall be additionally

payable for such year such portion of said 25 per centum (but not in excess of three-fifths of said 25 per centum), as may be necessary to make up the deficiency. When the general fund in the Treasury has been fully reimbursed for the expenditures which were made charges against the Oregon and California land-grant fund said 25 per centum shall be paid annually, on or after June 30, to the several counties in the manner provided in subsection (a) of this section.

(c) Twenty-five per centum to be available for the administration of sections 1181a to 1181f of this title, in such annual amounts as the Congress shall from time to time determine. Any part of such per centum not used for administrative purposes shall be covered into the general fund of the Treasury of the United States: *Provided,* That moneys covered into the Treasury in such manner shall be used to satisfy the reimbursable charges against the Oregon and California land-grant fund mentioned in subsection (b) of this section so long as any such charges shall exist. (Aug. 28, 1937, ch. 876, title II, § 201, 50 Stat. 875; June 24, 1954, ch. 357, § 1(b), 68 Stat. 271.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1181f–4 of this title.

§ 1181f–1. Coos Bay Wagon Road grant fund; annual payments; appraisal and assessment of land and timber; computation of payments.

Beginning with the fiscal year next following May 24, 1939, not to exceed 75 per centum of the receipts derived in any one year from the Coos Bay Wagon Road grant lands in Oregon and deposited in the special fund in the Treasury created by the Act of February 26, 1919 (40 Stat. 1179), and designated "The Coos Bay Wagon Road grant fund" shall be paid annually, in lieu of taxes, by the Secretary of the Treasury, upon certification by the Secretary of the Interior, to the treasurers of Coos and Douglas Counties according to the ratio that the total assessed valuation of the reconveyed Coos Bay Wagon Road grant lands, belonging to the United States, in each of said counties bears to the total assessed valuation of all said lands in those counties, to be used for the purposes mentioned in said Act: *Provided,* That until such time as the general fund of the Treasury of the United States shall have been fully reimbursed by Douglas County for expenditures which were made charges against the Coos Bay Wagon Road grant fund by section 5 of the Act of February 26, 1919, said Douglas County shall be entitled to receive only 50 per centum of the amount to which it would otherwise be entitled under sections 1181f–1 to 1181f–4 of this title: *Provided further,* That prior to making any payment under this authorization an appraisal of the land and timber thereon shall be made, within six months after May 24, 1939, by a committee to consist of a representative of the Secretary of the Interior, one representative for the two counties interested, and a third person satisfactory to the Secretary of the Interior and the county officials, but who shall not be an employee of the United States nor a resident of, nor a property owner in, either Coos or Douglas County. Upon appraisal thereof, the land and timber thereon shall be assessed as are other similar properties within the respective counties, and payments hereunder in lieu of taxes shall be computed by applying the same rates of taxation as are applied to privately owned property of similar character in such counties. (May 24, 1939, ch. 144, § 1, 53 Stat. 753.)

REFERENCES IN TEXT

Act of February 26, 1919 (40 Stat. 1179), said Act, and section 5 of the Act of February 26, 1919, referred to in text, are references to act Feb. 26, 1919, ch. 47, 40 Stat. 1179, which is not classified to the Code.

REPEALS

Section 5 of Act May 24, 1939, provided that: "All Acts or parts of Acts inconsistent with this Act [sections 1181f–1 to 1181f–4 of this title] are hereby repealed."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1181f–2 of this title.

§ 1181f–2. Appraisal of land and timber: manner and frequency; computation of amounts upon basis of last appraisement; deduction of appraisement expenses.

Appraisals of the land and timber thereon shall be made, in the manner prescribed in section 1181f–1 of this title, not less frequently than once in each ten-year period, and the amounts due hereunder in any year shall be computed as specified in section 1181f–1 of this title upon the basis of the last appraisement. The expenses of making the appraisements provided for in sections 1181f–1 to 1181f–4 of this title shall be paid by the Secretary of the Treasury upon certification by the Secretary of the Interior, from that portion of the receipts derived from such lands and timber payable to the counties and shall be deducted from any amount due said counties. (May 24, 1939, ch. 144, § 2, 53 Stat. 754.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1181f–1 of this title.

§ 1181f–3. Additional sum from surplus for meeting payments due from insufficient annual receipts; maximum aggregate of decennial payments; covering of excess receipts into general fund of Treasury.

If, during any one year, 75 per centum of the receipts are insufficient fully to meet the payments due the counties hereunder, the Secretary of the Treasury, upon certification by the Secretary of the Interior, may pay an additional sum from any surplus of 75 per centum of prior year receipts: *Provided, however,* That in no event shall the aggregate of payments during any ten-year period commencing with the period beginning July 1, 1940, exceed 75 per centum of the receipts deposited in the Treasury to the credit of the Coos Bay Wagon Road grant fund for such period: *Provided further,* That at the end of each ten-year period, any balance of the 75 per centum not required for payments to the counties shall be covered into the general fund of the Treasury of the United States. (May 24, 1939, ch. 144, § 3, 53 Stat. 754.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1181f–1, 1181f–2 of this title.

§ 1181f–4. Amount available for administration of Coos Bay Wagon Road grant lands under sections 1181a to 1181f of this title; covering of unused receipts into general fund of Treasury.

Not to exceed 25 per centum of the annual receipts shall be available, in such amounts as the Congress shall from time to time appropriate for the administration of sections 1181a to 1181f of this title, insofar as such sections apply to the Coos Bay Wagon Road grant lands. Any balance not used for administrative purposes shall be covered into the general fund of the Treasury of the United States. (May 24, 1939, ch. 144, § 4, 53 Stat. 754.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1181f–1, 1181f–2 of this title.

Chapter 29.—SUBMERGED LANDS

SUBCHAPTER I.—GENERAL PROVISIONS

§ 1301. Definitions.

SECTION RFFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 section 1432.

SUBCHAPTER III.—OUTER CONTINENTAL SHELF LANDS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in title 16 section 460*l*–15; title 29 section 1002; title 33 sections 1321, 1503; title 42 section 2000e.

§ 1331. Definitions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 155, 6202 of this title; title 26 section 48.

§ 1333. Laws and regulations governing lands.

(a) Constitution and United States laws; laws of adjacent States; publication of projected State lines; restriction on State taxation and jurisdiction.

* * * * *

(2) To the extent that they are applicable and not inconsistent with this subchapter or with other Federal laws and regulations of the Secretary now in effect or hereafter adopted, the civil and criminal laws of each adjacent State, now in effect or hereafter adopted, amended, or repealed are declared to be the law of the United States for that portion of the subsoil and seabed of the outer Continental Shelf, and artificial islands and fixed structures erected thereon, which would be within the area of the State if its boundaries were extended seaward to the outer margin of the outer Continental Shelf, and the President shall determine and publish in the Federal Register such projected lines extending seaward and defining each such area. All of such applicable laws shall be administered and enforced by the appropriate officers and courts of the United States. State taxation laws shall not apply to the outer Continental Shelf.

* * * * *

(As amended Jan. 3, 1975, Pub. L. 93–627, § 19(f), 88 Stat. 2146.)

AMENDMENTS

1975—Subsec. (a)(2). Pub. L. 93–627 substituted ", now in effect or hereafter adopted, amended, or repealed" for "as of the effective date of this Act" in first sentence.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1334 of this title; title 33 section 941.

Chapter 31.—DEPARTMENT OF THE INTERIOR

Sec.
1453a. Additional Assistant Secretary of Interior; appointment; duties; compensation [New].
1456a. Head of Mining Enforcement and Safety Administration; appointment with Senate approval [New].

§ 1451. Establishment.

EX. ORD. NO. 10753

Ex. Ord. No. 10753, Feb. 15, 1958, 23 F.R. 1107, which provided for the succession to the office of Secretary of the Interior, was superseded by Ex. Ord. No. 11487, Oct. 6, 1969, 34 F.R. 15593, set out as a note under section 3347 of Title 5, Government Organization and Employees.

REORGANIZATION PLAN NO. 3 OF 1950

Eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, as amended July 5, 1952, c. 369, ch. XI, § 1101, 66 Stat. 121; June 1, 1971, Pub. L. 92–22, § 3, 85 Stat. 76.

DEPARTMENT OF THE INTERIOR

* * * * *

Sec. 4. [Repealed. Pub. L. 92–22, § 3, June 1, 1971, 85 Stat. 76. Section authorized appointment of Administrative Assistant Secretary of Interior, and is now covered by section 1453a of this title and section 5315(18) of Title 5. Section 3 provided that such repeal be effective upon Senate confirmation of Presidential appointment of Assistant Secretary of Interior under successor provisions.]

* * * * *

§ 1453a. Additional Assistant Secretary of Interior; appointment; duties; compensation.

There shall be hereafter in the Department of the Interior, in addition to the Assistant Secretaries now provided by law, an additional Assistant Secretary of the Interior who shall be appointed by the President by and with the advice and consent of the Senate, who shall be responsible for such duties as the Secretary of the Interior shall prescribe, and shall receive compensation at the rate now or hereafter prescribed by law for Assistant Secretaries of the Interior. (Pub. L. 92–22, § 1, June 1, 1971, 85 Stat. 75.)

SENATE CONFIRMATION OF PRESIDENTIAL APPOINTMENT OF ADDITIONAL ASSISTANT SECRETARY OF INTERIOR AS REPEALING PROVISIONS FOR ASSISTANT SECRETARY OF INTERIOR FOR ADMINISTRATION

Section 3 of Pub. L. 92–22 provided that: "Section 4 of Reorganization Plan Numbered 3 of 1950, as amended (64 Stat. 1262) [set out in the Appendix to Title 5], and item (25) of section 5316, title 5, United States Code, are repealed, effective upon the confirmation by the United States Senate of a Presidential appointee to fill the position created by this Act [this section and section 5315(18) of Title 5]."

CROSS REFERENCES

Compensation of Assistant Secretaries of Interior, see section 5315 of Title 5, Government Organizations and Employees.

§ 1456a. Head of Mining Enforcement and Safety Administration; appointment with Senate approval.

The head of the Mining Enforcement and Safety Administration shall be appointed by the President,

by and with the advice and consent of the Senate: *Provided*, That if any individual who is serving in this office on November 16, 1973, is nominated for such position, he may continue to act unless and until such nomination shall be disapproved by the Senate. (Pub. L. 93–153, title IV, § 405, Nov. 16, 1973, 87 Stat. 590.)

MINING ENFORCEMENT AND SAFETY ADMINISTRATION

The Mining Enforcement and Safety Administration (MESA) was established within the Department of the Interior pursuant to Order Numbered 2953 of the Secretary of the Interior, July 10, 1973, 38 F.R. 18695, issued in accordance with the authority provided by section 2 of Reorganization Plan No. 3 of 1950, set out in the Appendix to Title 5, Government Organization and Employees, and became operative on July 16, 1973. Functions of mine health and safety, assessment and compliance, and education and training under the Federal Coal Mine Health and Safety Act of 1969 [section 801 et seq. of Title 30, Mineral Lands and Mining] and the Federal Metal and Nonmetallic Mine Safety Act [section 721 et seq. of Title 30] were transferred from the Bureau of Mines to the Mining Enforcement and Safety Administration.

Chapter 32.—COLORADO RIVER BASIN PROJECT

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 1597 of this title.

§ 1512. Mexican Water Treaty.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1571 of this title.

§ 1543. Lower Colorado River Basin Development Fund.

* * * * *

(g) Repayment of costs.

All revenues credited to the development fund in accordance with clause (c)(2) of this section (excluding only those revenues derived from the sale of power and energy for use in Arizona during the payout period of the Central Arizona Project as authorized herein) and such other revenues as remain in the development fund after making the payments required by subsections (d) and (f) of this section shall be available (1) to make payments, if any, as required by sections 616aa–1 and 620d–1 of this title, (2) for repayment to the general fund of the Treasury the costs of each salinity control unit or separable feature thereof payable from the Lower Colorado River Basin Development Fund in accordance with sections 1595(a)(2), 1595(a)(3), and 1595(b) of this title and (3) upon appropriation by the Congress, to assist in the repayment of reimbursable costs incurred in connection with units hereafter constructed to provide for the augmentation of the water supplies of the Colorado River for use below Lee Ferry as may be authorized as a result of the investigations and recommendations made pursuant to sections 1511 and 1513(a) of this title.

* * * * *

(As amended Pub. L. 93–320, title II, § 205(b)(2), June 24, 1974, 88 Stat. 273.)

AMENDMENTS

1974—Subsec. (g). Pub. L. 93–320 added cl. (2). Existing cl. (2), authorizing the use of revenues to assist in the repayment of reimbursable costs incurred in connection with units constructed after Sept. 30, 1968, to provide for the augmentation of water supplies of the Colorado River for use below Lee Ferry, redesignated (3).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 620d–1, 1521, 1525, 1528, 1595, 1597 of this title.

§§ 1551 to 1556.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in title 16 section 228h.

Chapter 32A.—COLORADO RIVER BASIN SALINITY CONTROL [NEW]

SUBCHAPTER I.—PROGRAMS DOWNSTREAM FROM IMPERIAL DAM

Sec.

1571. Water quality improvement.
(a) Authority to proceed with program.
(b) Desalting complexes and plants.
(c) Replacement water studies.
(d) Advancement of funds for that portion of bypass drain within Mexico.
(e) Desalted water exchange.
(f) Return flow reduction.
(g) Disposal of acquired lands.
(h) Assistance to water users for installation of system improvements.
(i) Contract amendment.
(j) Acquisition of land for storage.
(k) Transfer of funds.
(l) Nonreimbursable costs.
1572. Canal or canal lining.
(a) Authorization of construction.
(b) Repayment.
(c) Acquisition of private lands.
(d) Credit to Imperial Irrigation District against final payments for relinquished capacity in Coachella Canal.
(e) Transfer of lands to Cocopah Tribe of Indians.
1573. Construction and maintenance of well fields; land acquisition; land replacement; nonreimbursable costs.
1574. Modification of projects.
1575. Contract authority.
1576. Interagency cooperation.
1577. Existing Federal laws not modified.
1578. Authorization of appropriations.

SUBCHAPTER II.—MEASURES UPSTREAM FROM IMPERIAL DAM

1591. Implementation of salinity control policy.
1592. Authorization to construct, operate, and maintain salinity control units.
1593. Planning reports; research and demonstration projects.
1594. Colorado River Basin Salinity Control Advisory Council.
1595. Allocation, payment, and repayment of costs; adjustment of electrical energy rates.
1596. Biennial report to President, Congress, and Advisory Council.
1597. Construction of provisions of subchapter.
1598. Modification of projects; contract authority; authorization of appropriations.
1599. Definitions.

SUBCHAPTER I.—PROGRAMS DOWNSTREAM FROM IMPERIAL DAM

§ 1571. Water quality improvement.

(a) Authority to proceed with program.

The Secretary of the Interior, hereinafter referred to as the "Secretary", is authorized and directed to proceed with a program of works of improvement for the enhancement and protection of the quality of water available in the Colorado River for use in the United States and the Republic of Mexico, and to

enable the United States to comply with its obligations under the agreement with Mexico of August 30, 1973 (Minute No. 242 of the International Boundary and Water Commission, United States and Mexico), concluded pursuant to the Treaty of February 3, 1944 (TS 994), in accordance with the provisions of this chapter.

(b) Desalting complexes and plants.

(1) The Secretary is authorized to construct, operate, and maintain a desalting complex, including (1) a desalting plant to reduce the salinity of drain water from the Wellton-Mohawk division of the Gila project, Arizona (hereinafter referred to as the division), including a pretreatment plant for settling, softening, and filtration of the drain water to be desalted; (2) the necessary appurtenant works including the intake pumping plant system, product waterline, power transmission facilities, and permanent operating facilities; (3) the necessary extension in the United States and Mexico of the existing bypass drain to carry the reject stream from the desalting plant and other drainage waters to the Santa Clara Slough in Mexico, with the part in Mexico, subject to arrangements made pursuant to subsection (d) of this section; (4) replacement of the metal flume in the existing main outlet drain extension with a concrete siphon; (5) reduction of the quantity of irrigation return flows through acquisition of lands to reduce the size of the division, and irrigation efficiency improvements to minimize return flows; (6) acquire on behalf of the United States such lands or interest in lands in the Painted Rock Reservoir as may be necessary to operate the project in accordance with the obligations of Minute No. 242, and (7) all associated facilities including roads, railroad spur, and transmission lines.

(2) The desalting plant shall be designed to treat approximately one hundred and twenty-nine million gallons a day of drain water using advanced technology commercially available. The plant shall effect recovery initially of not less than 70 per centum of the drain water as product water, and shall effect reduction of not less than 90 per centum of the dissolved solids in the feed water. The Secretary shall use sources of electric power supply for the desalting complex that will not diminish the supply of power to preference customers from Federal power systems operated by the Secretary. All costs associated with the desalting plant shall be nonreimbursable.

(c) Replacement water studies.

Replacement of the reject stream from the desalting plant and of any Wellton-Mohawk drainage water bypassed to the Santa Clara Slough to accomplish essential operation except at such times when there exists surplus water of the Colorado River under the terms of the Mexican Water Treaty of 1944, is recognized as a national obligation as provided in section 1512 of this title. Studies to identify feasible measures to provide adequate replacement water shall be completed not later than June 30, 1980. Said studies shall be limited to potential sources within the States of Arizona, California, Colorado, New Mexico, and those portions of Nevada, Utah, and Wyoming which are within the natural drainage basin of the Colorado River. Measures found necessary to replace the reject stream from the desalting plant and any Wellton-Mohawk drainage bypassed to the Santa Clara Slough to accomplish essential operations may be undertaken independently of the national obligation set forth in section 1512 of this title.

(d) Advancement of funds for that portion of bypass drain within Mexico.

The Secretary is hereby authorized to advance funds to the United States section, International Boundary and Water Commission (IBWC), for construction, operation, and maintenance by Mexico pursuant to Minute No. 242 of that portion of the bypass drain within Mexico. Such funds shall be transferred to an appropriate Mexican agency, under arrangements to be concluded by the IBWC providing for the construction, operation, and maintenance of such facility by Mexico.

(e) Desalted water exchange.

Any desalted water not needed for the purposes of this subchapter may be exchanged at prices and under terms and conditions satisfactory to the Secretary and the proceeds therefrom shall be deposited in the General Fund of the Treasury. The city of Yuma, Arizona, shall have first right of refusal to any such water.

(f) Return flow reduction.

For the purpose of reducing the return flows from the division to one hundred and seventy-five thousand acre-feet or less, annually, the Secretary is authorized to:

(1) Accelerate the cooperative program of Irrigation Management Services with the Wellton-Mohawk Irrigation and Drainage District, hereinafter referred to as the district, for the purpose of improving irrigation efficiency. The district shall bear its share of the cost of such program as determined by the Secretary.

(2) Acquire by purchase or through eminent domain or exchange, to the extent determined by him to be appropriate, lands or interests in lands to reduce the existing seventy-five thousand developed and undeveloped irrigable acres authorized by the Gila Reauthorization Act. The initial reduction in irrigable acreage shall be limited to approximately ten thousand acres. If the Secretary determines that the irrigable acreage of the division must be reduced below sixty-five thousand acres of irrigable lands to carry out the purpose of this section, the Secretary is authorized, with the consent of the district, to acquire additional lands, as may be deemed by him to be appropriate.

(g) Disposal of acquired lands.

The Secretary is authorized to dispose of the acquired lands and interests therein on terms and conditions satisfactory to him and meeting the objective of this chapter.

(h) Assistance to water users for installation of system improvements.

The Secretary is authorized, either in conjunction with or in lieu of land acquisition, to assist water users in the division in installing system improvements, such as ditch lining, change of field layouts, automatic equipment, sprinkler systems and bubbler systems, as a means of increasing irrigation

efficiencies: *Provided, however,* That all costs associated with the improvements authorized herein and allocated to the water users on the basis of benefits received, as determined by the Secretary, shall be reimbursed to the United States in amounts and on terms and conditions satisfactory to the Secretary.

(i) Contract amendment.

The Secretary is authorized to amend the contract between the United States and the district dated March 4, 1952, as amended, to provide that—

(1) the portion of the existing repayment obligation owing to the United States allocable to irrigable acreage eliminated from the division for the purposes of this subchapter, as determined by the Secretary, shall be nonreimbursable; and

(2) if deemed appropriate by the Secretary, the district shall be given credit against its outstanding repayment obligation to offset any increase in operation and maintenance assessments per acre which may result from the district's decreased operation and maintenance base, all as determined by the Secretary.

(j) Acquisition of land for storage.

The Secretary is authorized to acquire through the Corps of Engineers fee title to, or other necessary interests in, additional lands above the Painted Rock Dam in Arizona that are required for the temporary storage capacity needed to permit operation of the dam and reservoir in times of serious flooding in accordance with the obligations of the United States under Minute No. 242. No funds shall be expended for acquisition of land or interests therein until it is finally determined by a Federal court of competent jurisdiction that the Corps of Engineers presently lacks legal authority to use said lands for this purpose. Nothing contained in this subchapter nor any action taken pursuant to it shall be deemed to be a recognition or admission of any obligation to the owners of such land on the part of the United States or a limitation or deficiency in the rights or powers of the United States with respect to such lands or the operation of the reservoir.

(k) Transfer of funds.

To the extent desirable to carry out subsections (f)(1) and (h) of this section, the Secretary may transfer funds to the Secretary of Agriculture as may be required for technical assistance to farmers, conduct of research and demonstrations, and such related investigations as are required to achieve higher on-farm irrigation efficiencies.

(*l*) Nonreimbursable costs.

All cost associated with the desalting complex shall be nonreimbursable except as provided in subsections (f) and (h) of this section. (Pub. L. 93–320, title I, § 101, June 24, 1974, 88 Stat. 266.)

REFERENCES IN TEXT

This "chapter", referred to in text, was in the original this "Act", meaning Pub. L. 93–320, which, in addition to enacting this chapter, amended sections 620d(d) and 1543(g) of this title.

The Gila Reauthorization Act, referred to in subsec. (f)(2), is act July 30, 1947, ch. 382, 61 Stat. 628, which is classified to section 613 et seq. of this title.

SHORT TITLE

Section 1 of Pub. L. 93–320 provided: "That this Act [enacting this chapter and amending sections 620d(d) and 1543(g) of this title] may be cited as the 'Colorado River Basin Salinity Control Act'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1578 of this title.

§ 1572. Canal or canal lining.

(a) Authorization of construction.

To assist in meeting salinity control objectives of Minute No. 242 during an interim period, the Secretary is authorized to construct a new concrete-lined canal or, to line the presently unlined portion of the Coachella Canal of the Boulder Canyon project, California, from station 2 plus 26 to the beginning of siphon numbered 7, a length of approximately forty-nine miles. The United States shall be entitled to temporary use of a quantity of water, for the purpose of meeting the salinity control objectives of Minute No. 242, during an interim period, equal to the quantity of water conserved by constructing or lining the said canal. The interim period shall commence on completion of construction or lining said canal and shall end the first year that the Secretary delivers main stream Colorado River water to California in an amount less than the sum of the quantities requested by (1) the California agencies under contracts made pursuant to section 617d of this title, and (2) Federal establishments to meet their water rights acquired in California in accordance with the Supreme Court decree in Arizona against California (376 U.S. 340).

(b) Repayment.

The charges for total construction shall be repayable without interest in equal annual installments over a period of forty years beginning in the year following completion of construction: *Provided,* That, repayment shall be prorated between the United States and the Coachella Valley County Water District, and the Secretary is authorized to enter into a repayment contract with Coachella Valley County Water District for that purpose. Such contract shall provide that annual repayment installments shall be nonreimbursable during the interim period, defined in subsection (a) of this section and shall provide that after the interim period, said annual repayment installments or portions thereof, shall be paid by Coachella Valley County Water District.

(c) Acquisition of private lands.

The Secretary is authorized to acquire by purchase, eminent domain, or exchange private lands or interests therein, as may be determined by him to be appropriate, within the Imperial Irrigation District on the Imperial East Mesa which receive, or which have been granted rights to receive, water from Imperial Irrigation District's capacity in the Coachella Canal. Costs of such acquisitions shall be nonreimbursable and the Secretary shall return such lands to the public domain. The United States shall not acquire any water rights by reason of this land acquisition.

(d) Credit to Imperial Irrigation District against final payments for relinquished capacity in Coachella Canal.

The Secretary is authorized to credit Imperial Irrigation District against its final payments for certain outstanding construction charges payable to the

United States on account of capacity to be relinquished in the Coachella Canal as a result of the canal lining program, all as determined by the Secretary: *Provided*, That, relinquishment of capacity shall not affect the established basis for allocating operation and maintenance costs of the main All-American Canal to existing contractors.

(e) **Transfer of lands to Cocopah Tribe of Indians.** The Secretary is authorized and directed to cede the following land to the Cocopah Tribe of Indians, subject to rights-of-way for existing levees, to be held in trust by the United States for the Cocopah Tribe of Indians:

Township 9 south, range 25 west of the Gila and Salt River meridian, Arizona;

Section 25: Lots 18, 19, 20, 21, 22, and 23;

Section 26: Lots 1, 12, 13, 14, and 15;

Section 27: Lot 3; and all accretion to the above described lands.

The Secretary is authorized and directed to construct three bridges, one of which shall be capable of accommodating heavy vehicular traffic, over the portion of the bypass drain which crosses the reservation of the Cocopah Tribe of Indians. The transfer of lands to the Cocopah Indian Reservation and the construction of bridges across the bypass drain shall constitute full and complete payment to said tribe for the rights-of-way required for construction of the bypass drain and electrical transmission lines for works authorized by this subchapter. (Pub. L. 93–320, title I, § 102, June 24, 1974, 88 Stat. 268.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1578 of this title.

§ 1573. Construction and maintenance of well fields; land acquisition; land replacement; nonreimbursable costs.

(a) The Secretary is authorized to:

(1) Construct, operate, and maintain, consistent with Minute No. 242, well fields capable of furnishing approximately one hundred and sixty thousand acre-feet of water per year for use in the United States and for delivery to Mexico in satisfaction of the 1944 Mexican Water Treaty.

(2) Acquire by purchase, eminent domain, or exchange, to the extent determined by him to be appropriate, approximately twenty-three thousand five hundred acres of lands or interests therein with approximately five miles of the Mexican border on the Yuma Mesa: *Provided, however*, That any such lands which are presently owned by the State of Arizona may be acquired or exchanged for Federal lands.

(3) Any lands removed from the jurisdiction of the Yuma Mesa Irrigation and Drainage District pursuant to clause (2) of this subsection which were available for use under the Gila Reauthorization Act, shall be replaced with like lands within or adjacent to the Yuma Mesa division of the project. In the development of these substituted lands or any other lands within the Gila project, the Secretary may provide for full utilization of the Gila Gravity Main Canal in addition to contracted capacities.

(b) The cost of work provided for in this section, including delivery of water to Mexico, shall be nonreimbursable; except to the extent that the waters furnished are used in the United States. (Pub. L. 93–320, title I, § 103, June 24, 1974, 88 Stat. 269.)

REFERENCES IN TEXT

The Gila Reauthorization Act, referred to in subsec. (a)(3), is act July 30, 1947, ch. 382, 61 Stat. 628, which is classified to section 613 et seq. of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1578 of this title.

§ 1574. Modification of projects.

The Secretary is authorized to provide for modifications of the projects authorized by this subchapter to the extent he determines appropriate for purposes of meeting the international settlement objective of this subchapter at the lowest overall cost to the United States. No funds for any such modification shall be expended until the expiration of sixty days after the proposed modification has been submitted to the appropriate committees of the Congress, unless the Congress approves an earlier date by concurrent resolution. The Secretary shall notify the Governors of the Colorado River Basin States of such modifications. (Pub. L. 93–320, title I, § 104, June 24, 1974, 88 Stat. 270.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1578 of this title.

§ 1575. Contract authority.

The Secretary is hereby authorized to enter into contracts that he deems necessary to carry out the provisions of this subchapter in advance of the appropriation of funds therefor. (Pub. L. 93–320, title I, § 105, June 24, 1974, 88 Stat. 270.)

§ 1576. Interagency cooperation.

In carrying out the provisions of this subchapter, the Secretary shall consult and cooperate with the Secretary of State, the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and other affected Federal, State, and local agencies. (Pub. L. 93–320, title I, § 106, June 24, 1974, 88 Stat. 270.)

§ 1577. Existing Federal laws not modified.

Nothing in this chapter shall be deemed to modify the National Environmental Policy Act of 1969, the Federal Water Pollution Control Act, as amended, or, except as expressly stated herein, the provisions of any other Federal law. (Pub. L. 93–320, title I, § 107, June 24, 1974, 88 Stat. 270.)

REFERENCES IN TEXT

This "chapter", referred to in text, was in the original this "Act", meaning Pub. L. 93–320, which, in addition to enacting this chapter, amended sections 620d(d) and 1543(g) of this title.

The National Environmental Policy Act of 1969, referred to in text, is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, which is classified to section 4321 et seq. of Title 42, The Public Health and Welfare.

The Federal Water Pollution Control Act, as amended, referred to in text, is act June 30, 1948, ch. 758, as added Pub. L. 92–500, Oct. 18, 1972, 86 Stat. 816, which is classified to section 1251 et seq. of Title 33, Navigation and Navigable Waters.

§ 1578. Authorization of appropriations.

There is hereby authorized to be appropriated the sum of $121,500,000 for the construction of the works

and accomplishment of the purposes authorized in sections 1571 and 1572 of this title, and $34,000,000 to accomplish the purposes of section 1573 of this title, based on April 1973 prices, plus or minus such amounts as may be justified by reason of ordinary fluctuations in construction costs involved therein, and such sums as may be required to operate and maintain such works and to provide for such modifications as may be made pursuant to section 1574 of this title. There is further authorized to be appropriated such sums as may be necessary to pay condemnation awards in excess of appraised values and to cover costs required in connection with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. (Pub. L. 93–320, title I, § 108, June 24, 1974, 88 Stat. 270.)

REFERENCES IN TEXT

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, referred to in text, is Pub. L. 91–646, Jan. 2, 1971, 84 Stat. 1891, which is classified to section 4601 et seq. of Title 42, The Public Health and Welfare.

SUBCHAPTER II.—MEASURES UPSTREAM FROM IMPERIAL DAM

§ 1591. Implementation of salinity control policy.

(a) The Secretary of the Interior shall implement the salinity control policy adopted for the Colorado River in the "Conclusions and Recommendations" published in the Proceedings of the Reconvened Seventh Session of the Conference in the Matter of Pollution of the Interstate Waters of the Colorado River and Its Tributaries in the States of California, Colorado, Utah, Arizona, Nevada, New Mexico, and Wyoming, held in Denver, Colorado, on April 26–27, 1972, under the authority of section 1160 of Title 33, and approved by the Administrator of the Environmental Protection Agency on June 9, 1972.

(b) The Secretary is hereby directed to expedite the investigation, planning, and implementation of the salinity control program generally as described in chapter VI of the Secretary's report entitled, "Colorado River Water Quality Improvement Program, February 1972".

(c) In conformity with subsection (a) of this section and the authority of the Environmental Protection Agency under Federal laws, the Secretary, the Administrator of the Environmental Protection Agency, and the Secretary of Agriculture are directed to cooperate and coordinate their activities effectively to carry out the objective of this subchapter. (Pub. L. 93–320, title II, § 201, June 24, 1974, 88 Stat. 270.)

REFERENCES IN TEXT

Section 1160 of Title 33, referred to in text, has been omitted in view of the complete revision of the Federal Water Pollution Control Act by Pub. L. 92–500, Oct. 18, 1972, 86 Stat. 816. See section 1251 et seq. of Title 33, Navigation and Navigable Waters.

§1592. Authorization to construct, operate, and maintain salinity control units.

The Secretary is authorized to construct, operate, and maintain the following salinity control units as the initial stage of the Colorado River Basin salinity control program.

(1) The Paradox Valley unit, Montrose County, Colorado, consisting of facilities for collection and disposition of saline ground water of Paradox Valley, including wells, pumps, pipelines, solar evaporation ponds, and all necessary appurtenant and associated works such as roads, fences, dikes, power transmission facilities, and permanent operating facilities.

(2) The Grand Valley unit, Colorado, consisting of measures and all necessary appurtenant and associated works to reduce the seepage of irrigation water from the irrigated lands of Grand Valley into the ground water and thence into the Colorado River. Measures shall include lining of canals and laterals, and the combining of existing canals and laterals into fewer and more efficient facilities. Prior to initiation of construction of the Grand Valley unit the Secretary shall enter into contracts through which the agencies owning, operating, and maintaining the water distribution systems in Grand Valley, singly or in concert, will assume all obligations relating to the continued operation and maintenance of the unit's facilities to the end that the maximum reduction of salinity inflow to the Colorado River will be achieved. The Secretary is also authorized to provide, as an element of the Grand Valley unit, for a technical staff to provide information and assistance to water users on means and measures for limiting excess water applications to irrigated lands: *Provided*, That such assistance shall not exceed a period of five years after funds first become available under this subchapter. The Secretary will enter into agreements with the Secretary of Agriculture to develop a unified control plan for the Grand Valley unit. The Secretary of Agriculture is directed to cooperate in the planning and construction of on-farm system measures under programs available to that Department.

(3) The Crystal Geyser unit, Utah, consisting of facilities for collection and disposition of saline geyser discharges; including dikes, pipelines, solar evaporation ponds, and all necessary appurtenant works including operating facilities.

(4) The Las Vegas Wash unit, Nevada, consisting of facilities for collection and disposition of saline ground water of Las Vegas Wash, including infiltration galleries, pumps, desalter, pipelines, solar evaporation facilities, and all appurtenant works including but not limited to roads, fences, power transmission facilities, and operating facilities. (Pub. L. 93–320, title II, § 202, June 24, 1974, 88 Stat. 271.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1595, 1598 of this title.

§ 1593. Planning reports; research and demonstration projects.

(a) The Secretary is authorized and directed to—

(1) Expedite completion of the planning reports on the following units, described in the Secretary's report, "Colorado River Water Quality Improvement Program, February 1972";

(i) Irrigation source control:

Lower Gunnison

Uintah Basin

Colorado River Indian Reservation

Palo Verde Irrigation District

(ii) Point source control:
LaVerkin Springs
Littlefield Springs
Glenwood-Dotsero Springs
(iii) Diffuse source control:
Price River
San Rafael River
Dirty Devil River
McElmo Creek
Big Sandy River

(2) Submit each planning report on the units named in paragraph (1) of this subsection promptly to the Colorado River Basin States and to such other parties as the Secretary deems appropriate for their review and comments. After receipt of comments on a unit and careful consideration thereof, the Secretary shall submit each final report with his recommendations, simultaneously, to the President, other concerned Federal departments and agencies, the Congress, and the Colorado River Basin States.

(b) The Secretary is directed—

(1) in the investigation, planning, construction, and implementation of any salinity control unit involving control of salinity from irrigation sources, to cooperate with the Secretary of Agriculture in carrying out research and demonstration projects and in implementing on-the-farm improvements and farm management practices and programs which will further the objective of this subchapter;

(2) to undertake research on additional methods for accomplishing the objective of this subchapter, utilizing to the fullest extent practicable the capabilities and resources of other Federal departments and agencies, interstate institutions, States, and private organizations.

(Pub. L. 93–320, title II, § 203, June 24, 1974, 88 Stat. 271.)

§ 1594. Colorado River Basin Salinity Control Advisory Council.

(a) There is hereby created the Colorado River Basin Salinity Control Advisory Council composed of no more than three members from each State appointed by the Governor of each of the Colorado River Basin States.

(b) The Council shall be advisory only and shall—

(1) act as liaison between both the Secretaries of Interior and Agriculture and the Administrator of the Environmental Protection Agency and the States in accomplishing the purposes of this subchapter;

(2) receive reports from the Secretary on the progress of the salinity control program and review and comment on said reports; and

(3) recommend to both the Secretary and the Administrator of the Environmental Protection Agency appropriate studies of further projects, techniques, or methods for accomplishing the purposes of this subchapter.

(Pub.L. 93–320, title II, § 204, June 24, 1974, 88 Stat. 272.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1595, 1596 of this title.

§ 1595. Allocation, payment, and repayment of costs; adjustment of electrical energy rates.

(a) The Secretary shall allocate the total costs of each unit or separable feature thereof authorized by section 1592 of this title, as follows:

(1) In recognition of Federal responsibility for the Colorado River as an interstate stream and for international comity with Mexico, Federal ownership of the lands of the Colorado River Basin from which most of the dissolved salts originate, and the policy embodied in the Federal Water Pollution Control Act Amendments of 1972, 75 per centum of the total costs of construction, operation, maintenance, and replacement of each unit or separable feature thereof shall be nonreimbursable.

(2) Twenty-five per centum of the total costs shall be allocated between the Upper Colorado River Basin Fund established by section 620d(a) of this title and the Lower Colorado River Basin Development Fund established by section 1543(a) of this title, after consultation with the Advisory Council created in section 1594(a) of this title and consideration of the following items:

(i) benefits to be derived in each basin from the use of water of improved quality and the use of works for improved water management;

(ii) causes of salinity; and

(iii) availability of revenues in the Lower Colorado River Basin Development Fund and increased revenues to the Upper Colorado River Basin Fund made available under section 620d(d)(5) of this title: *Provided*, That costs allocated to the Upper Colorado River Basin Fund under this paragraph shall not exceed 15 per centum of the costs allocated to the Upper Colorado River Basin Fund and the Lower Colorado River Basin Development Fund.

(3) Costs of construction of each unit or separable feature thereof allocated to the upper basin and to the lower basin under paragraph (2) of this subsection shall be repaid within a fifty-year period without interest from the date such unit or separable feature thereof is determined by the Secretary to be in operation.

(b) Costs of construction, operation, maintenance, and replacement of each unit or separable feature thereof allocated for repayment by the lower basin under subsection (a)(2) of this section shall be paid in accordance with section 1543(g)(2) of this title, from the Lower Colorado River Basin Development Fund.

(c) Costs of construction, operation, maintenance, and replacement of each unit or separable feature thereof allocated for repayment by the upper basin under subsection (a)(2) of this section shall be paid in accordance with section 620d(d)(5) of this title from the Upper Colorado River Basin Fund within the limit of the funds made available under subsection (d) of this section.

(d) The Secretary is authorized to make upward adjustments in rates charged for electrical energy under all contracts administered by the Secretary under the Colorado River Storage Project Act as soon as practicable and to the extent necessary to

cover the costs of construction, operation, maintenance, and replacement of units allocated under subsection (a)(2) of this section and in conformity with subsection (a)(3) of this section: *Provided*, That revenues derived from said rate adjustments shall be available solely for the construction, operation, maintenance, and replacement of salinity control units in the Colorado River Basin herein authorized. (Pub. L. 93–320, title II, § 205 (a), (b)(1), (c), (e), June 24, 1974, 88 Stat. 272–274.)

REFERENCES IN TEXT

The Federal Water Pollution Control Act Amendments of 1972, referred to in subsec. (a)(1), is Pub. L. 92–500, Oct. 18, 1972, 86 Stat. 816, which is classified principally to section 1251 et seq. of Title 33, Navigation and Navigable Waters.

The Colorado River Storage Project Act, referred to in subsec. (d), is act Apr. 11, 1956, ch. 203, 70 Stat. 105, which is classified to section 620 et seq. of this title.

CODIFICATION

Subsecs. (a), (b), (c), and (d) of this section were, in the original, subsecs. (a), (b)(1), (c), and (e), respectively, of section 205 of Pub. L. 93–320. Subsecs. (b)(2) and (d) of section 205 of Pub. L. 93–320 amended sections 620d and 1543 of this title.

SECTIONS REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 620d, 1543, 1597 of this title.

§ 1596. Biennial report to President, Congress, and Advisory Council.

Commencing on January 1, 1975, and every two years thereafter, the Secretary shall submit, simultaneously, to the President, the Congress, and the Advisory Council created in section 1594(a) of this title, a report on the Colorado River salinity control program authorized by this subchapter covering the progress of investigations, planning, and construction of salinity control units for the previous fiscal year, the effectiveness of such units, anticipated work needed to be accomplished in the future to meet the objectives of this subchapter, with emphasis on the needs during the five years immediately following the date of each report, and any special problems that may be impeding progress in attaining an effective salinity control program. Said report may be included in the biennial report on the quality of water of the Colorado River Basin prepared by the Secretary pursuant to section 620n of this title, section 615ww of this title, and section 616e of this title. (Pub. L. 93–320, title II, § 206, June 24, 1974, 88 Stat. 274.)

§ 1597. Construction of provisions of subchapter.

Except as provided in sections 620d(d)(5), 1543(g)(2), and 1595(b) of this title, with respect to the Colorado River Basin Project Act and the Colorado River Storage Project Act, respectively, nothing in this subchapter shall be construed to alter, amend, repeal, modify, interpret, or be in conflict with the provisions of the Colorado River Compact (45 Stat. 1057), the Upper Colorado River Basin Compact (63 Stat. 31), the Water Treaty of 1944 with the United Mexican States (Treaty Series 994; 59 Stat. 1219), the decree entered by the Supreme Court of the United States in Arizona against California and others (376 U.S. 340), the Boulder Canyon Project Act, Boulder Canyon Project Adjustment Act, section 620n of this title, the Colorado River Basin Project Act, section 616e of this title, section 615ww of this title, the National Environmental Policy Act of 1969, and the Federal Water Pollution Control Act, as amended. (Pub. L. 93–320, title I, § 207, June 24, 1974, 88 Stat. 274.)

REFERENCES IN TEXT

The Colorado River Basin Project Act, referred to in text, is Pub. L. 90–537, Sept. 30, 1968, 82 Stat. 886, which is classified to section 1501 et seq. of this title.

The Colorado River Storage Project Act, referred to in text, is act Apr. 11, 1956, ch. 203, 70 Stat. 105, which is classified to section 620 et seq. of this title.

The Boulder Canyon Project Act, referred to in text, is act Dec. 21, 1928, ch. 42, 45 Stat. 1057, which is classified to section 617 et seq. of this title.

The Boulder Canyon Project Adjustment Act, referred to in text, is act July 19, 1940, ch. 643, 54 Stat. 774, which is classified to section 618 et seq. of this title.

The National Environmental Policy Act of 1969, referred to in text, is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, which is classified to section 4321 et seq. of Title 42, The Public Health and Welfare.

The Federal Water Pollution Control Act, as amended, referred to in text, is act June 30, 1948, ch. 758, as added Pub. L. 92–500, Oct. 18, 1972, 86 Stat. 816, which is classified to section 1251 et seq. of Title 33, Navigation and Navigable Waters.

§ 1598. Modification of projects; contract authority; authorization of appropriations.

(a) The Secretary is authorized to provide for modifications of the projects authorized by this subchapter as determined to be appropriate for purposes of meeting the objective of this subchapter. No funds for any such modification shall be expended until the expiration of sixty days after the proposed modification has been submitted to appropriate committees of the Congress, and not then if disapproved by said committees, except that funds may be expended prior to the expiration of such sixty days in any case in which the Congress approves an earlier date by concurrent resolution. The Governors of the Colorado River Basin States shall be notified of these changes.

(b) The Secretary is hereby authorized to enter into contracts that he deems necessary to carry out the provisions of this subchapter, in advance of the appropriation of funds therefor. There is hereby authorized to be appropriated the sum of $125,100,000 for the construction of the works and for other purposes authorized in section 1592 of this title, based on April 1973 prices, plus or minus such amounts as may be justified by reason of ordinary fluctuations in costs involved therein, and such sums as may be required to operate and maintain such works. There is further authorized to be appropriated such sums as may be necessary to pay condemnation awards in excess of appraised values and to cover costs required in connection with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. (Pub. L. 93–320, title II, § 208, June 24, 1974, 88 Stat. 274.)

REFERENCES IN TEXT

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, referred to in subsec. (b), is Pub. L. 91–646, Jan. 2, 1971, 84 Stat. 1891, which is classified to section 4601 et seq. of Title 42, The Public Health and Welfare.

§ 1599. Definitions.

As used in this subchapter—

(a) all terms that are defined in the Colorado River Compact shall have the meanings therein defined;

(b) "Colorado River Basin States" means the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming.

(Pub. L. 93–320, title II, § 209, June 24, 1974, 88 Stat. 275.)

Chapter 33.—ALASKA NATIVE CLAIMS SETTLEMENT [NEW]

Sec.
1601. Congressional findings and declaration of policy.
1602. Definitions.
1603. Declaration of settlement.
(a) Aboriginal title extinguishment through prior land and water area conveyances.
(b) Aboriginal title and claim extinguishment where based on use and occupancy; submerged lands underneath inland and offshore water areas and hunting or fishing rights included.
(c) Aboriginal claim extinguishment where based on: right, title, use, or occupancy of land or water areas; domestic statute or treaty relating to use and occupancy; or foreign laws; pending claims.
1604. Enrollment.
(a) Eligible Natives; finality of decision.
(b) Residence; order of priority in enrollment of Natives not permanent residents; regional family or hardship enrollment.
(c) Election of enrollment in thirteenth region, if established, of Native non-residents; dependent household members as bound.
1605. Alaska Native Fund.
(a) Establishment in Treasury; deposits into Fund of general fund, interest, and revenue sharing moneys.
(b) Prohibition of expenditures for propaganda or political campaigns; misdemeanor; penalty.
(c) Distribution of Fund moneys among organized Regional Corporations; basis as relative number of Native enrollees in each region; reserve for payment of attorney and other fees; retention of share in Fund until organization of corporation.
1606. Regional Corporations.
(a) Division of Alaska into twelve geographic regions; common heritage and common interest of region; area of region commensurate with operations of Native association; boundary disputes, arbitration.
(b) Region mergers; limitation.
(c) Establishment of thirteenth region for nonresident Natives; majority vote; Regional Corporation for thirteenth region.
(d) Incorporation; business for profit; eligibility for benefits; provisions in articles for carrying out chapter.
(e) Original articles and bylaws: approval by Secretary prior to filing, submission for approval; amendments to articles: approval by Secretary; withholding approval in event of creation of inequities among Native individuals or groups.
(f) Board of directors; management; stockholders; provisions in articles or bylaws for number, term, and method of election.
(g) Stock; issuance; provision in articles for division into classes and issuance of one hundred shares to Native regional enrollees.
Sec.
1606. Regional Corporations—Continued
(h) Stockholders' rights; alienation restriction: period; exception, certain stock transfers pursuant to court decree; stock transfer: voting rights, escheat; stock, reissuance without restrictions after prescribed period.
(i) Certain natural resource revenues; distribution among twelve Regional Corporations; computation of amount; subsection inapplicable to thirteenth Regional Corporation.
(j) Corporate funds and other net income, distribution among: stockholders of Regional Corporations; Village Corporations and non-resident stockholders; and stockholders of thirteenth Regional Corporation.
(k) Distributions among Village Corporations; computation of amount.
(l) Distributions to Village Corporations; village plan: withholding funds until submission of plan for use of money; joint ventures and joint financing of projects; disagreements, arbitration of issues as provided in articles of Regional Corporation.
(m) Distributions among Village Corporations in a region; computation of dividends for nonresidents of village; financing regional projects with equitably withheld dividends and Village Corporation funds.
(n) Projects for Village Corporations.
(o) Annual audit; place; availability of papers, things, or property to auditors to facilitate audits; verification of transactions; report to stockholders, Secretary, and Congressional committees.
(p) Federal-State conflict of laws.
(q) Business management groups; investment services contracts.
1607. Village Corporations.
(a) Organization of Corporation prerequisite to receipt of patent to lands or benefits under chapter.
(b) Regional Corporation: approval of initial articles; review and approval of amendments to articles and annual budgets; assistance in preparation of articles and and other documents.
(c) Regional Corporation stock alienation, annual audit, and transfer of stock ownership on death or by court decree: provisions applicable to Village Corporations; permissive transmittal of audits to congressional committees.
1608. Revenue sharing.
(a) Minerals within section.
(b) Interim payments into Alaska Native Fund based on percentage of gross value of produced or removed minerals and of rentals and bonuses; time of payment.
(c) Patents; royalties: reservation of percentage of gross value of produced or removed minerals and of rentals and bonuses from disposition of minerals.
(d) Distribution of bonuses, rentals, and royalties from Federal disposition of minerals in public lands; payments into Alaska Native Fund based on percentage of gross value of produced minerals and of rentals and bonuses; Federal and State share calculation on remaining balance.
(e) Federal enforcement; State underpayment: deductions from grants-in-aid or other Federal assistance equal to underpayment and deposit of such amount in Fund.
(f) Oil and gas revenues; amount payable equal to Federal or State royalties in cash or kind.
(g) Alaska Native Fund payments; cessation; reimbursement for advance payments.
(h) Final payment; order of computation.

Sec.
1608. Revenue sharing—Continued
(i) Outer Continental Shelf mineral revenues; provisions of section inapplicable.
1609. Limitation of actions.
(a) Complaint, time for filing; jurisdiction; commencement by State official; certainty and finality of vested rights, titles, and interests.
(b) Land selection; suspension and extension of rights.
1610. Withdrawal of public lands.
(a) Description of withdrawn public lands; exceptions; National Wildlife Refuge lands exception; time of withdrawal.
(b) List of Native villages subject to chapter; review, eligibility for benefits; expiration of withdrawals for villages; alternative eligibility; eligibility of unlisted villages.
1611. Native land selections.
(a) Acreage limitation; proximity of selections and size of sections and units.
(b) Allocation; reallocation considerations.
(c) Computation.
(d) Village Corporation for Native village at Dutch Harbor; lands and improvements and patent for Village Corporation.
(e) Disputes over land selection rights and boundaries; arbitration.
1612. Surveys.
(a) Areas for conveyance to Village Corporations; monumentation of exterior boundaries; meanderable water boundaries exempt from requirement; land occupied as primary place of residence or business, or for other purposes and other patentable lands as subject to survey.
(b) Withdrawals, selections, and conveyances pursuant to chapter: current plats of surveys or protraction diagrams; conformity to Land Survey System.
1613. Conveyance of lands.
(a) Native villages listed in section 1610 and qualified for land benefits; patents for surface estates; issuance; acreage.
(b) Native villages listed in section 1615 and qualified for land benefits; patents for surface estates; issuance; acreage.
(c) Patent requirements; order of conveyance; advisory and appellate functions of Regional Corporations on sales, leases or other transactions prior to final commitment.
(d) Rule of approximation with respect to acreage limitations.
(e) Surface and/or subsurface estates to Regional Corporations.
(f) Patents to Village Corporations for surface estates and to Regional Corporations for subsurface estates; excepted lands; mineral rights, consent of Village Corporations.
(g) Valid existing rights preserved; saving provisions in patents; patentee rights; administration; proportionate rights of patentee.
(h) Authorization of land conveyances.
1614. Timber sale contracts; modification.
1615. Withdrawal and selection of public lands; funds in lieu of acreage.
(a) Withdrawal of public lands; list of Native villages.
(b) Native land selections; Village Corporations for listed Native villages; acreage; proximity of selections; conformity to Lands Survey System.
(c) Tlingit-Haida settlement.
(d) Rewithdrawal of lands surrounding Village of Klukwan; period of rewithdrawal; quitclaim of certain lands and income to Chilkat Indian Village.
Sec.
1616. Joint Federal-State Land Use Planning Commission for Alaska.
(a) (1) Establishment; membership.
(2) Cochairmen; concurrence in decisions of Commission.
(3) Quorum; removal; vacancies.
(4) Compensation and travel, subsistence, and other necessary expenses.
(5) Cochairmen; appointment and compensation of personnel, experts, and consultants.
(6) Hearings; testimony and evidence; proceedings and reports; sessions; availability of information from Federal executive agencies.
(7) Duties and powers of Commission.
(8) Reports to President, Congress, Governor, and Legislature; recordkeeping, public inspection.
(9) Federal share of costs; authorization of appropriations.
(10) Interim and final reports to President, Congress, Governor, and Legislature; termination date.
(b) Public easements; continuance of access rights under valid existing rights.
(c) Prohibition against selection of lands from withdrawn area in event of withdrawal of utility and transportation corridor across public lands.
(d) Public Land Order Numbered 4582 revoked; withdrawal of unreserved public lands; classification and reclassification of lands; opening lands to appropriation; administration; contracting and other authority of Secretary not impaired by withdrawal.
1617. Indian allotment authority in Alaska; revocation; charging allotments on pending application against statutory acreage grant.
1618. Reservations; revocation; excepted reserve; acquisition of title to surface and subsurface estates in reserve: election of Village Corporations.
1619. Attorney and consultant fees.
(a) Holding moneys in Fund for authorized payments.
(b) Claims; submission.
(c) Same; filing date; form; information.
(d) Same; rules for receipt, determination, and settlement.
(e) Report to Congress; payment of claims; interest restriction.
(f) Contract restriction; penalty.
(g) Claims for costs in performance of certain services: submission, form, information, reasonableness, pro rata reductions; report to Congress; payment of claims; interest restriction.
1620. Taxation.
(a) Fund revenues exemption; investment income taxable.
(b) Shares of stock exemption.
(c) Land or land interests exemption; basis on disposition of land or land interests.
(d) Real property interests: exemption period for interests not developed or leased, developed or leased interests taxable, certain real property interests taxable; derivative revenues or proceeds taxable.
(e) Public lands status of real property interests exempt from real estate taxes for purposes of Federal highway and education laws; Federal fire protection services for real property interests without cost.
(f) Stocks of Regional and Village Corporations exempt from estate taxes; period of exemption.
1621. Miscellaneous provisions.
(a) Contract restrictions; percentage fee; enforcement; liens, executions, or judgments.

Sec.
1621. Miscellaneous provisions—Continued
(b) Patents for homesteads, headquarter sites, trade and manufacturing sites, or small tract sites; use and occupancy protection.
(c) Mining claims; possessory rights, protection.
(d) Purchase restrictions for personnel inapplicable to chapter.
(e) National Wildlife Refuge System; replacement lands.
(f) Land exchanges.
(g) National Wildlife Refuge System lands subject of patents; Federal reservation of first refusal rights; provision in patents for continuing application of laws and regulations governing Refuge.
(h) Withdrawals of public lands; termination date.
(i) Administration of withdrawn lands; contracting and other authority of Secretaries not impaired by withdrawal.
(j) Administration actions in absence of protraction diagrams and nonconformity to Land Survey System to accomplish purposes of chapter; deed notation of adjustments to insure beneficiaries of land grants their full entitlement.
(k) National forest land patents; conditions.
(l) Land selection limitation; proximity to home rule or first class city and Ketchikan.
1622. Annual reports to Congress until 1984; submission in 1985 of report of status of Natives, summary of actions taken, and recommendations.
1623. Authorization of appropriations.
1624. Regulations; issuance; publication in Federal Register.
1625. Corporations exempt from securities laws; period of exemption.
1626. Applicability of settlement benefits to other governmental benefits; food stamp program.
1627. Merger of native corporations.
(a) Applicability of State law.
(b) Terms and conditions of merger; rights of dissenting shareholders; rights and liabilities of successor corporation.
(c) Alteration or elimination of dividend rights.
(d) Approval of merger or consolidation by shareholders.
(e) Conveyance of right to withhold consent to mineral exploration, development, etc., as part of merger or consolidation.

CHAPTER REFERRED TO IN OTHER SECTION

This chapter is referred to in title 5 section 3371; title 25 sections 450b, 1452; title 29 section 872; title 42 sections 2991b, 2992c, 3193, 4762.

§ 1601. Congressional findings and declaration of policy.

Congress finds and declares that—

(a) there is an immediate need for a fair and just settlement of all claims by Natives and Native groups of Alaska, based on aboriginal land claims;

(b) the settlement should be accomplished rapidly, with certainty, in conformity with the real economic and social needs of Natives, without litigation, with maximum participation by Natives in decisions affecting their rights and property, without establishing any permanent racially defined institutions, rights, privileges, or obligations, without creating a reservation system or lengthy wardship or trusteeship, and without adding to the categories of property and institutions enjoying special tax privileges or to the legislation establishing special relationships between the United States Government and the State of Alaska;

(c) no provision of this chapter shall replace or diminish any right, privilege, or obligation of Natives as citizens of the United States or of Alaska, or relieve, replace, or diminish any obligation of the United States or of the State or Alaska to protect and promote the rights or welfare of Natives as citizens of the United States or of Alaska; the Secretary is authorized and directed, together with other appropriate agencies of the United States Government, to make a study of all Federal programs primarily designed to benefit Native people and to report back to the Congress with his recommendations for the future management and operation of these programs within three years of December 18, 1971;

(d) no provision of this chapter shall constitute a precedent for reopening, renegotiating, or legislating upon any past settlement involving land claims or other matters with any Native organizations, or any tribe, band, or identifiable group of American Indians;

(e) no provision of this chapter shall effect a change or changes in the petroleum reserve policy reflected in sections 7421 through 7438 of Title 10 except as specifically provided in this chapter;

(f) no provision of this chapter shall be construed to constitute a jurisdictional act, to confer jurisdiction to sue, nor to grant implied consent to Natives to sue the United States or any of its officers with respect to the claims extinguished by the operation of this chapter; and

(g) no provision of this chapter shall be construed to terminate or otherwise curtail the activities of the Economic Development Administration or other Federal agencies conducting loan or loan and grant programs in Alaska. For this purpose only, the terms "Indian reservation" and "trust or restricted Indian-owned land areas" in Public Law 89–136, the Public Works and Economic Development Act of 1965, as amended, shall be interpreted to include lands granted to Natives under this chapter as long as such lands remain in the ownership of the Native villages or the Regional Corporations.

(Pub. L. 92–203, § 2, Dec. 18, 1971, 85 Stat. 688.)

REFERENCES IN TEXT

Public Works and Economic Development Act of 1965, as amended, referred to in subsec. (g), is classified to chapter 38 (section 3121 et seq.) of Title 42, The Public Health and Welfare.

SHORT TITLE

Section 1 of Pub. L. 92–203 provided: "That this Act [enacting this chapter] may be cited as the 'Alaska Native Claims Settlement Act'."

SAVING CLAUSE

Section 26 of Pub. L. 92–203 provided that: "To the extent that there is a conflict between any provision of this Act [this chapter] and any other Federal laws applicable to Alaska, the provisions of this Act [this chapter] shall govern."

SEPARABILITY OF PROVISIONS

Section 27 of Pub. L. 92–203 provided that: "If any provision of this Act [this chapter] or the applicability thereof is held invalid the remainder of this Act [this chapter] shall not be affected thereby."

§ 1602. Definitions.

For the purposes of this chapter, the term—

(a) "Secretary" means the Secretary of the Interior;

(b) "Native" means a citizen of the United States who is a person of one-fourth degree or more Alaska Indian (including Tsimshian Indians not enrolled in the Metlaktla Indian Community) Eskimo, or Aleut blood, or combination thereof. The term includes any Native as so defined either or both of whose adoptive parents are not Natives. It also includes, in the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or Native group of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native by any village or group. Any decision of the Secretary regarding eligibility for enrollment shall be final;

(c) "Native village" means any tribe, band, clan, group, village, community, or association in Alaska listed in sections 1610 and 1615 of this title, or which meets the requirements of this chapter, and which the Secretary determines was, on the 1970 census enumeration date (as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance), composed of twenty-five or more Natives;

(d) "Native group" means any tribe, band, clan, village, community, or village association of Natives in Alaska composed of less than twenty-five Natives, who comprise a majority of the residents of the locality;

(e) "Public lands" means all Federal lands and interests therein located in Alaska except: (1) the smallest practicable tract, as determined by the Secretary, enclosing land actually used in connection with the administration of any Federal installation, and (2) land selections of the State of Alaska which have been patented or tentatively approved under section 6(g) of the Alaska Statehood Act, as amended (72 Stat. 341, 77 Stat. 223), or identified for selection by the State prior to January 17, 1969;

(f) "State" means the State of Alaska;

(g) "Regional Corporation" means an Alaska Native Regional Corporation established under the laws of the State of Alaska in accordance with the provisions of this chapter;

(h) "Person" means any individual, firm, corporation, association, or partnership;

(i) "Municipal Corporation" means any general unit of municipal government under the laws of the State of Alaska;

(j) "Village Corporation" means an Alaska Native Village Corporation organized under the laws of the State of Alaska as a business for profit or nonprofit corporation to hold, invest, manage and/or distribute lands, property, funds, and other rights and assets for and on behalf of a Native village in accordance with the terms of this chapter.

(k) "Fund" means the Alaska Native Fund in the Treasury of the United States established by section 1605 of this title; and

(*l*) "Planning Commission" means the Joint Federal-State Land Use Planning Commission established by section 1616 of this title.

(Pub. L. 92–203, § 3, Dec. 18, 1971, 85 Stat. 689.)

REFERENCES IN TEXT

Section 6(g) of the Alaska Statehood Act, as amended, referred to in subsec. (e), is set out in note preceding section 21 of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 42 section 3001–2.

§ 1603. Declaration of settlement.

(a) Aboriginal title extinguishment through prior land and water area conveyances.

All prior conveyances of public land and water areas in Alaska, or any interest therein, pursuant to Federal law, and all tentative approvals pursuant to section 6(g) of the Alaska Statehood Act, shall be regarded as an extinguishment of the aboriginal title thereto, if any.

(b) Aboriginal title and claim extinguishment where based on use and occupancy; submerged lands underneath inland and offshore water areas and hunting or fishing rights included.

All aboriginal titles, if any, and claims of aboriginal title in Alaska based on use and occupancy, including submerged land underneath all water areas, both inland and offshore, and including any aboriginal hunting or fishing rights that may exist, are hereby extinguished.

(c) Aboriginal claim extinguishment where based on right, title, use, or occupancy of land or water areas; domestic statute or treaty relating to use and occupancy; or foreign laws; pending claims.

All claims against the United States, the State, and all other persons that are based on claims of aboriginal right, title, use, or occupancy of land or water areas in Alaska, or that are based on any statute or treaty of the United States relating to Native use and occupancy, or that are based on the laws of any other nation, including any such claims that are pending before any Federal or state court or the Indian Claims Commission, are hereby extinguished.

(Pub. L. 92–203, § 4, Dec. 18, 1971, 85 Stat. 689.)

REFERENCES IN TEXT

Section 6(g) of the Alaska Statehood Act, referred to in subsec. (a), is set out in note preceding section 21 of Title 48, Territories and Insular Possessions.

§ 1604. Enrollment.

(a) Eligible Natives; finality of decision.

The Secretary shall prepare within two years from December 18, 1971, a roll of all Natives who were born on or before, and who are living on, December 18, 1971. Any decision of the Secretary regarding eligibility for enrollment shall be final.

(b) Residence; order of priority in enrollment of Natives not permanent residents; regional family or hardship enrollment.

The roll prepared by the Secretary shall show for each Native, among other things, the region and the village or other place in which he resided on the date of the 1970 census enumeration, and he shall be enrolled according to such residence. Except as provided in subsection (c) of this section, a Native eligible for enrollment who is not, when the roll is prepared, a permanent resident of one of the twelve

regions established pursuant to section 1606(a) of this title shall be enrolled by the Secretary in one of the twelve regions, giving priority in the following order to—

(1) the region where the Native resided on the 1970 census date if he had resided there without substantial interruption for two or more years;

(2) the region where the Native previously resided for an aggregate of ten years or more;

(3) the region where the Native was born; and

(4) the region from which an ancestor of the Native came.

The Secretary may enroll a Native in a different region when necessary to avoid enrolling members of the same family in different regions or otherwise avoid hardship.

(c) Election of enrollment in thirteenth region, if established, of Native nonresidents; dependent household members as bound.

A Native eligible for enrollment who is eighteen years of age or older and is not a permanent resident of one of the twelve regions may, on the date he files an application for enrollment, elect to be enrolled in a thirteenth region for Natives who are non-residents of Alaska, if such region is established pursuant to section 1606(c) of this title. If such region is not established, he shall be enrolled as provided in subsection (b) of this section. His election shall apply to all dependent members of his household who are less than eighteen years of age, but shall not affect the enrollment of anyone else. (Pub. L. 92–203, § 5, Dec. 18, 1971, 85 Stat. 690.)

LATE ENROLLMENT OF OTHERWISE QUALIFIED NATIVES

Section 1 of Pub. L. 94–204, Jan. 2, 1976, 89 Stat. 1145, provided:

"That (a) the Secretary of the Interior (hereinafter in this Act [enacting sections 1625 to 1627 of this title, amending sections 1615, 1616, 1620 and 1621 of this title, and enacting provisions set out as notes under this section and sections 1605, 1611, 1613, 1618 and 1625 of this title] referred to as the 'Secretary') is directed to review those applications submitted within one year from the date of enactment of this Act [Jan. 2, 1976] by applicants who failed to meet the March 30, 1973, deadline for enrollment established by the Secretary pursuant to the Alaska Native Claims Settlement Act (hereinafter in this Act referred to as the 'Settlement Act') [this chapter], and to enroll those Natives under the provisions of that Act who would have been qualified if the March 30, 1973, deadline had been met: *Provided*, That Natives enrolled under this Act shall be issued stock under the Settlement Act together with a pro rata share of all future distributions under the Settlement Act which shall commence beginning with the next regularly scheduled distribution after the enactment of this Act: *Provided further*, That land entitlement of any Native village, Native group, Village Corporation, or Regional Corporation, all as defined in such Act, shall not be affected by any enrollment pursuant to this Act, and that no tribe, band, clan, group, village, community, or association not otherwise eligible for land or other benefits as a 'Native village', as defined in such Act, shall become eligible for land or other benefits as a Native village because of any enrollment pursuant to this Act: *Provided further*, That no tribe, band, clan, village, community, or village association not otherwise eligible for land or other benefits as a 'Native group', as defined in such Act, shall become eligible for land or other benefits as a Native group because of any enrollment pursuant to this Act: *And provided further*, That any 'Native group', as defined in such Act, shall not lose its status as a Native group because of any enrollment pursuant to this Act.

"(b) The Secretary is authorized to poll individual Natives properly enrolled to Native villages or Native groups which are not recognized as Village Corporations under section 11 of the Settlement Act [section 1610 of this title] and which are included within the boundaries of former reserves the Village Corporation or Corporations of which elected to acquire title to the surface and subsurface estate of said reserves pursuant to subsection 19(b) of the Settlement Act [section 1618(d) of this title]. The Secretary may allow these individuals the option to enroll to a Village Corporation which elected the surface and subsurface title under section 19(b) or remain enrolled to the Regional Corporation in which the village or group is located on an at-large basis: *Provided*, That nothing in this subsection shall affect existing entitlement to land of any Regional Corporation pursuant to section 12(b) or 14(h)(8) of the Settlement Act [section 1611(b) or 1613(h)(8) of this title].

"(c) In those instances where, on the roll prepared under section 5 of the Settlement Act [this section], there were enrolled as residents of a place on April 1, 1970, a sufficient number of Natives required for a Native village or Native group, as the case may be, and it is subsequently and finally determined that such place is not eligible for land benefits under the Act on grounds which include a lack of sufficient number of residents, the Secretary shall; in accordance with the criteria for residence applied in the final determination of eligibility, redetermine the place of residence on April 1, 1970, of each Native enrolled to such place, and the place of residence as so redetermined shall be such Native's place of residence on April 1, 1970, for all purposes under the Settlement Act: *Provided*, That each Native whose place of residence on April 1, 1970, is changed by reason of this subsection shall be issued stock in the Native corporation or corporations in which such redetermination entitles him to membership and all stock issued to such Native by any Native Corporation in which he is no longer eligible for membership shall be deemed canceled: *Provided further*, That no redistribution of funds made by any Native Corporation on the basis of prior places of residence shall be affected: *Provided further*, That land entitlements of any Native village, Native group, Village Corporation, Regional Corporation, or corporations organized by Natives residing in Sitka, Kenai, Juneau, or Kodiak, all as defined in said Act, shall not be affected by any determination of residence made pursuant to this subsection, and no tribe, band, clan, group, village community, or association not otherwise eligible for land or other benefits as a 'Native group' as defined in said Act, shall become eligible for land or other benefits as a Native group because of any redetermination of residence pursuant to this subsection: *Provided further*, That any distribution of funds from the Alaska Native Fund pursuant to subsection (c) of section 6 of the Settlement Act [section 1605(c) of this title] made by the Secretary or his delegate prior to any redetermination of residency shall not be affected by the provisions of this subsection. Each Native whose place of residence is subject to redetermination as provided in this subsection shall be given notice and an opportunity for hearing in connection with such redetermination as shall any Native Corporation which it appears may gain or lose stockholders by reason of such redetermination of residence."

ESTABLISHMENT BY COURT ORDER OF 13TH REGIONAL CORPORATION FOR BENEFIT OF NONPERMANENT RESIDENTS; LAND SELECTION ENTITLEMENTS; PREVIOUSLY ISSUED STOCK; ELECTION FOR ENROLLMENT; LAND ENTITLEMENTS OF CORPORATIONS OR NATIVE VILLAGE OR GROUP ELIGIBILITY

Section 8 of Pub. L. 94–204, Jan. 2, 1976, 89 Stat. 1149, provided that:

"(a) Notwithstanding the October 6, 1975, order of the United States District Court for the District of Columbia in the case of Alaska Native Association of Oregon et al. against Rogers C. B. Morton et al., Civil Action Numbered 2133–73, and Alaska Federation of Natives International, Inc., et al. against Rogers C. B. Morton, et al., Civil Action Numbered 2141–73 (— F. Supp. —), changes in enrollments of any Alaska Regional or Village Corporation nor any Native village or group eligibility.

"(b) Stock previously issued by any of the twelve Regional Corporations in Alaska or by Village Corporations to any Native who is enrolled in the thirteenth region pursuant to said order shall, upon said enrollment, be can-

celed by the issuing corporation without liability to it or the Native whose stock is so canceled: *Provided*, That, in the event that a Native enrolled in the thirteenth region pursuant to said order shall elect to re-enroll in the appropriate Regional Corporation in Alaska pursuant to the sixth ordering paragraph of that order, stock of such Native may be canceled by the Thirteenth Regional Corporation and stock may be issued to such Native by the appropriate Regional Corporation in Alaska without liability to either corporation or to the Native.

"(c) Whenever additional enrollment under the Settlement Act [enacting sections 1625 to 1627 of this title, amending sections 1615, 1616, 1620 and 1621 of this title and enacting provisions set out as notes under this section and sections 1605, 1611, 1613, 1618 and 1625 of this title] or any other provision of law, any Native enrolling under such authority who is determined not to be a permanent resident of the State of Alaska under criteria established pursuant to the Settlement Act shall, at the time of enrollment, elect whether to be enrolled in the thirteenth region or in the region determined pursuant to the provisions of section 5(b) of such act [section 1604(b) of this title] and such election shall apply to all dependent members of such Native's household who are less than eighteen years of age on the date of such election.

"(d) No change in the final roll of Natives established by the Secretary pursuant to section 5 of the Settlement Act [section 1604 of this title] resulting from any regulation promulgated by the Secretary of the Interior providing for the disenrollment of Natives shall affect land entitlements of any Regional or Village Corporation or any Native village or group eligibility."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1605, 1606 of this title.

§ 1605. Alaska Native Fund.

(a) Establishment in Treasury; deposits into Fund of general fund, interest, and revenue sharing moneys.

There is hereby established in the United States Treasury an Alaska Native Fund into which the following moneys shall be deposited:

(1) $462,500,000 from the general fund of the Treasury, which are authorized to be appropriated according to the following schedule:

(A) $12,500,000 during the fiscal year in which this chapter becomes effective;

(B) $50,000,000 during the second fiscal year;

(C) $70,000,000 during each of the third, fourth, and fifth fiscal years;

(D) $40,000,000 during the sixth fiscal year; and

(E) $30,000,000 during each of the next five fiscal years.

(2) Four percent interest per annum, which is authorized to be appropriated, on any amount authorized to be appropriated by this paragraph that is not appropriated within six months after the fiscal year in which payable.

(3) $500,000,000 pursuant to the revenue sharing provisions of section 1608 of this title.

(b) Prohibition of expenditures for propaganda or political campaigns; misdemeanor; penalty.

None of the funds paid or distributed pursuant to this section to any of the Regional and Village Corporations established pursuant to this chapter shall be expended, donated, or otherwise used for the purpose of carrying on propaganda, or intervening in (including the publishing and distributing of statements) any political campaign on behalf of any candidate for public office. Any person who willfully violates the foregoing provision shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $1,000 or imprisoned not more than twelve months, or both.

(c) Distribution of Fund moneys among organized Regional Corporations; basis as relative number of Native enrollees in each region; reserve for payment of attorney or other fees; retention of share in Fund until organization of corporation.

After completion of the roll prepared pursuant to section 1604 of this title, all money in the Fund, except money reserved as provided in section 1619 of this title for the payment of attorney and other fees, shall be distributed at the end of each three months of the fiscal year among the Regional Corporations organized pursuant to section 1606 of this title on the basis of the relative numbers of Natives enrolled in each region. The share of a Regional Corporation that has not been organized shall be retained in the Fund until the Regional Corporation is organized. (Pub. L. 92–203, § 6, Dec. 18, 1971, 85 Stat. 690.)

ALASKA NATIVE FUND VIEWED AS TRUST FOR INDIAN TRIBES FOR PURPOSES OF INTEREST AND INVESTMENT

Section 5 of Pub. L. 94–204, Jan. 2, 1976, 89 Stat. 1147, provided that: "For purposes of the first section of the Act of February 12, 1929 (45 Stat. 1164), as amended [section 162a of Title 25], and the first section of the Act of June 24, 1938 (52 Stat. 1037) [section 162a of Title 25], the Alaska Native Fund shall, pending distributions under section 6(c) of the Settlement Act [subsec. (c) of this section] be considered to consist of funds held in trust by the Government of the United States for the benefit of Indian tribes: *Provided*, That nothing in this section shall be construed to create or terminate any trust relationship between the United States and any corporation or individual entitled to receive benefits under the Settlement Act [this chapter]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1602, 1606, 1619, 1621, 1627 of this title.

§ 1606. Regional Corporations.

(a) Division of Alaska into twelve geographic regions; common heritage and common interest of region; area of region commensurate with operations of Native association; boundary disputes, arbitration.

For purposes of this chapter, the State of Alaska shall be divided by the Secretary within one year after December 18, 1971, into twelve geographic regions, with each region composed as far as practicable of Natives having a common heritage and sharing common interests. In the absence of good cause shown to the contrary, such regions shall approximate the areas covered by the operations of the following existing Native associations:

(1) Arctic Slope Native Association (Barrow, Point Hope);

(2) Bering Straits Association (Seward Peninsula, Unalakleet, Saint Lawrence Island);

(3) Northwest Alaska Native Association (Kotzebue);

(4) Association of Village Council Presidents (southwest coast, all villages in the Bethel area, including all villages on the Lower Yukon River and the Lower Kuskokwin River);

(5) Tanana Chiefs' Conference (Koyukuk, Middle and Upper Yukon Rivers, Upper Kuskokwim, Tanana River);

(6) Cook Inlet Association (Kenai, Tyonek, Eklutna, Iliamna);

(7) Bristol Bay Native Association (Dillingham, Upper Alaska Peninsula);

(8) Aleut League (Aleutian Islands, Pribilof Islands and that part of the Alaska Peninsula which is in the Aleut League);

(9) Chugach Native Association (Cordova, Tatitlek, Port Graham, English Bay, Valdez, and Seward);

(10) Tlingit-Haida Central Council (southeastern Alaska, including Metlakatla);

(11) Kodiak Area Native Association (all villages on and around Kodiak Island); and

(12) Copper River Native Association (Copper Center, Glennallen, Chitina, Mentasta).

Any dispute over the boundaries of a region or regions shall be resolved by a board of arbitrators consisting of one person selected by each of the Native associations involved, and an additional one or two persons, whichever is needed to make an odd number of arbitrators, such additional person or persons to be selected by the arbitrators selected by the Native associations involved.

(b) Region mergers; limitation.

The Secretary may, on request made within one year of December 18, 1971, by representative and responsible leaders of the Native associations listed in subsection (a) of this section, merge two or more of the twelve regions: *Provided,* That the twelve regions may not be reduced to less than seven, and there may be no fewer than seven Regional Corporations.

(c) Establishment of thirteenth region for nonresident Natives; majority vote; Regional Corporation for thirteenth region.

If a majority of all eligible Natives eighteen years of age or older who are not permanent residents of Alaska elect, pursuant to section 1604(c) of this title, to be enrolled in a thirteenth region for Natives who are non-residents of Alaska, the Secretary shall establish such a region for the benefit of the Natives who elected to be enrolled therein, and they may establish a Regional Corporation pursuant to this chapter.

(d) Incorporation; business for profits; eligibility for benefits; provisions in articles for carrying out chapter.

Five incorporators within each region, named by the Native association in the region, shall incorporate under the laws of Alaska a Regional Corporation to conduct business for profit, which shall be eligible for the benefits of this chapter so long as it is organized and functions in accordance with this chapter. The articles of incorporation shall include provisions necessary to carry out the terms of this chapter.

(e) Original articles and bylaws; approval by Secretary prior to filing, submission for approval; amendments to articles; approval by Secretary; withholding approval in event of creation of inequities among Native individuals or groups.

The original articles of incorporation and bylaws shall be approved by the Secretary before they are filed, and they shall be submitted for approval within eighteen months after December 18, 1971. The articles of incorporation may not be amended during the Regional Corporation's first five years without the approval of the Secretary. The Secretary may withhold approval under this section if in his judgment inequities among Native individuals or groups of Native individuals would be created.

(f) Board of directors; management; stockholders; provisions in articles or bylaws for number, term, and method of election.

The management of the Regional Corporation shall be vested in a board of directors, all of whom, with the exception of the initial board, shall be stockholders over the age of eighteen. The number, terms, and method of election of members of the board of directors shall be fixed in the articles of incorporation or bylaws of the Regional Corporation.

(g) Stock; issuance; provision in articles for division into classes and issuance of one hundred shares to Native regional enrollees.

The Regional Corporation shall be authorized to issue such number of shares of common stock, divided into such classes of shares as may be specified in the articles of incorporation to reflect the provisions of this chapter, as may be needed to issue one hundred shares of stock to each Native enrolled in the region pursuant to section 1604 of this title.

(h) Stockholders' rights; alienation restriction: period; exception, certain stock transfers pursuant to court decree; stock transfer: voting rights, escheat; stock, reissuance without restrictions after prescribed period.

(1) Except as otherwise provided in paragraph (2) of this subsection, stock issued pursuant to subsection (g) of this section shall carry a right to vote in elections for the board of directors and on such other questions as properly may be presented to stockholders, shall permit the holder to receive dividends or other distributions from the Regional Corporation, and shall vest in the holder all rights of a stockholder in a business corporation organized under the laws of the State of Alaska, except that for a period of twenty years after December 18, 1971, the stock, inchoate rights thereto, and any dividends paid or distributions made with respect thereto may not be sold, pledged, subjected to a lien or judgment execution, assigned in present or future, or otherwise alienated: *Provided,* That such limitation shall not apply to transfers of stock pursuant to a court decree of separation, divorce or child support.

(2) Upon the death of any stockholder, ownership of such stock shall be transferred in accordance with his last will and testament or under the applicable laws of intestacy, except that (A) during the twenty-year period after December 18, 1971, such stock shall carry voting rights only if the holder thereof through inheritance also is a Native, and (B), in the event the deceased stockholder fails to dispose of his stock by will and has no heirs under the applicable laws of intestacy, such stock shall escheat to the Regional Corporation.

(3) On January 1 of the twenty-first year after the year in which this chapter is enacted, all stock previously issued shall be deemed to be canceled, and shares of stock of the appropriate class shall be issued without restrictions required by this chapter to each stockholder share for share.

(i) Certain natural resource revenues; distribution among twelve Regional Corporations; computation of amount; subsection inapplicable to thirteenth Regional Corporation.

Seventy per centum of all revenues received by each Regional Corporation from the timber resources and subsurface estate patented to it pursuant to this chapter shall be divided annually by the Regional Corporation among all twelve Regional Corporations organized pursuant to this section according to the number of Natives enrolled in each region pursuant to section 1604 of this title. The provisions of this subsection shall not apply to the thirteenth Regional Corporation if organized pursuant to subsection (c) hereof.

(j) Corporate funds and other net income, distribution among: stockholders of Regional Corporations; Village Corporations and nonresident stockholders; and stockholders of thirteenth Regional Corporation.

During the five years following December 18, 1971, not less than 10% of all corporate funds received by each of the twelve Regional Corporations under section 1605 of this title (Alaska Native Fund), and under subsection (i) of this section (revenues from the timber resources and subsurface estate patented to it pursuant to this chapter), and all other net income, shall be distributed among the stockholders of the twelve Regional Corporations. Not less than 45% of funds from such sources during the first five-year period, and 50% thereafter, shall be distributed among the Village Corporations in the region and the class of stockholders who are not residents of those villages, as provided in subsection[1] to it. In the case of the thirteenth Regional Corporation, if organized, not less than 50% of all corporate funds received under section 1605 of this title shall be distributed to the stockholders.

(k) Distributions among Village Corporation; computation of amount.

Funds distributed among the Village Corporations shall be divided among them according to the ratio that the number of shares of stock registered on the books of the Regional Corporation in the names of residents of each village bears to the number of shares of stock registered in the names of residents in all villages.

(l) Distributions to Village Corporations; village plan: withholding funds until submission of plan for use of money; joint ventures and joint financing of projects; disagreements, arbitration of issues as provided in articles of Regional Corporation.

Funds distributed to a Village Corporation may be withheld until the village has submitted a plan for the use of the money that is satisfactory to the Regional Corporation. The Regional Corporation may require a village plan to provide for joint ventures with other villages, and for joint financing of projects undertaken by the Regional Corporation that will benefit the region generally. In the event of disagreement over the provisions of the plan, the issues in disagreement shall be submitted to arbitration, as shall be provided for in the articles of incorporation of the Regional Corporation.

[1] So in original.

(m) Distributions among Village Corporations in a region; computation of dividends for nonresidents of village; financing regional projects with equitably withheld dividends and Village Corporation funds.

When funds are distributed among Village Corporations in a region, an amount computed as follows shall be distributed as dividends to the class of stockholders who are not residents of those villages: The amount distributed as dividends shall bear the same ratio to the amount distributed among the Village Corporations that the number of shares of stock registered on the books of the Regional Corporation in the names of nonresidents of villages bears to the number of shares of stock registered in the names of village residents: *Provided*, That an equitable portion of the amount distributed as dividends may be withheld and combined with Village Corporation funds to finance projects that will benefit the region generally.

(n) Projects for Village Corporations.

The Regional Corporation may undertake on behalf of one or more of the Village Corporations in the region any project authorized and financed by them.

(*o*) Annual audit; place; availability of papers, things, or property to auditors to facilitate audits; verification of transactions; report to stockholders, Secretary, and Congressional committees.

The accounts of the Regional Corporation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of the State or the United States. The audits shall be conducted at the place or places where the accounts of the Regional Corporation are normally kept. All books, accounts, financial records, reports, files, and other papers, things, or property belonging to or in use by the Regional Corporation and necessary to facilitate the audits shall be available to the person or persons conducting the audits; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agent, and custodians shall be afforded to such person or persons. Each audit report or a fair and reasonably detailed summary thereof shall be transmitted to each stockholder, to the Secretary of the Interior and to the Committees on Interior and Insular Affairs of the Senate and the House of Representatives.

(p) Federal-State conflict of laws.

In the event of any conflict between the provisions of this section and the laws of the State of Alaska, the provisions of this section shall prevail.

(q) Business management group; investment services contracts.

Two or more Regional Corporations may contract with the same business management group for investment services and advice regarding the investment of corporate funds. (Pub. L. 92–203, § 7, Dec. 18, 1971, 85 Stat. 691.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1604, 1605, 1607, 1618, 1620, 1627 of this title; title 42 section 1382b.

§ 1607. Village Corporations.

(a) Organization of Corporation prerequisite to receipt of patent to lands or benefits under chapter.

The Native residents of each Native village entitled to receive lands and benefits under this chapter shall organize as a business for profit or nonprofit corporation under the laws of the State before the Native village may receive patent to lands or benefits under this chapter, except as otherwise provided.

(b) Regional Corporation: approval of initial articles; review and approval of amendments to articles and annual budgets; assistance in preparation of articles and other documents.

The initial articles of incorporation for each Village Corporation shall be subject to the approval of the Regional Corporation for the region in which the village is located. Amendments to the articles of incorporation and the annual budgets of the Village Corporations shall, for a period of five years, be subject to review and approval by the Regional Corporation. The Regional Corporation shall assist and advise Native villages in the preparation of articles of incorporation and other documents necessary to meet the requirements of this subsection.

(c) Regional Corporation stock alienation, annual audit, and transfer of stock ownership on death or by court decree: provisions applicable to Village Corporations; permissive transmittal of audits to congressional committees.

The provisions concerning stock alienation, annual audit, and transfer of stock ownership on death or by court decree provided for Regional Corporations in section 1606 of this title shall apply to Village Corporations except that audits need not be transmitted to the Committees on Interior and Insular Affairs of the Senate and the House of Representatives. (Pub. L. 92–203, § 8, Dec. 18, 1971, 85 Stat. 694.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1620, 1627 of this title; title 42 section 1382b.

§ 1608. Revenue sharing.

(a) Minerals within section.

The provisions of this section shall apply to all minerals that are subject to disposition under the Mineral Leasing Act of 1920, as amended and supplemented.

(b) Interim payments into Alaska Native Fund based on percentage of gross value of produced or removed materials and of rentals and bonuses; time of payment.

With respect to conditional leases and sales of minerals heretofore or hereafter made pursuant to section 6(g) of the Alaska Statehood Act, and with respect to mineral leases of the United States that are or may be subsumed by the State under section 6(h) of the Alaska Statehood Act, until such time as the provisions of subsection (c) of this section become operative the State shall pay into the Alaska Native Fund from the royalties, rentals, and bonuses hereafter received by the State (1) a royalty of 2 per centum upon the gross value (as such gross value is determined for royalty purposes under such leases or sales) of such minerals produced or removed from such lands, and (2) 2 per centum of all rentals and bonuses under such leases or sales, excluding bonuses received by the State at the September 1969 sale of minerals from tentatively approved lands and excluding rentals received pursuant to such sale before December 18, 1971. Such payment shall be made within sixty days from the date the revenues are received by the State.

(c) Patents; royalties: reservation of percentage of gross value of produced or removed minerals and of rentals and bonuses from disposition of minerals.

Each patent hereafter issued to the State under the Alaska Statehood Act, including a patent of lands heretofore selected and tentatively approved, shall reserve for the benefit of the Natives, and for payment into the Alaska Native Fund, (1) a royalty of 2 per centum upon the gross value (as such gross value is determined for royalty purposes under any disposition by the State) of the minerals thereafter produced or removed from such lands, and (2) 2 per centum of all revenues thereafter derived by the State from rentals and bonuses from the disposition of such minerals.

(d) Distribution of bonuses, rentals and royalties from Federal disposition of minerals in public lands; payments into Alaska Native Fund based on percentage of gross value of produced minerals and of rentals and bonuses; Federal and State share calculation on remaining balance.

All bonuses, rentals, and royalties received by the United States after December 18, 1971, from the disposition by it of such minerals in public lands in Alaska shall be distributed as provided in the Alaska Statehood Act, except that prior to calculating the shares of the State and the United States as set forth in such Act, (1) a royalty of 2 per centum upon the gross value of such minerals produced (as such gross value is determined for royalty purposes under the sale or lease), and (2) 2 per centum of all rentals and bonuses shall be deducted and paid into the Alaska Native Fund. The respective shares of the State and the United States shall be calculated on the remaining balance.

(e) Federal enforcement; State underpayment: deductions from grants-in-aid or other Federal assistance equal to underpayment and deposit of such amount in Fund.

The provisions of this section shall be enforceable by the United States for the benefit of the Natives, and in the event of default by the State in making the payments required, in addition to any other remedies provided by law, there shall be deducted annually by the Secretary of the Treasury from any grant-in-aid or from any other sums payable to the State under any provision of Federal law an amount equal to any such underpayment, which amount shall be deposited in the Fund.

(f) Oil and gas revenues; amount payable equal to Federal or State royalties in cash or kind.

Revenues received by the United States or the State as compensation for estimated drainage of oil or gas shall, for the purposes of this section, be regarded as revenues from the disposition of oil and gas. In the event the United States or the State

elects to take royalties in kind, there shall be paid into the Fund on account thereof an amount equal to the royalties that would have been paid into the Fund under the provisions of this section had the royalty been taken in cash.

(g) Alaska Native Fund payments; cessation; reimbursement for advance payments.

The payments required by this section shall continue only until a sum of $500,000,000 has been paid into the Alaska Native Fund less the total of advance payments paid into the Alaska Native Fund pursuant to section 407 of the Trans-Alaska Pipeline Authorization Act. Thereafter, payments which would otherwise go into the Alaska Native Fund will be made to the United States Treasury as reimbursement for the advance payments authorized by section 407 of the Trans-Alaskan Pipeline Authorization Act. The provisions of this section shall no longer apply, and the reservation required in patents under this section shall be of no further force and effect, after a total sum of $500,000,000 has been paid to the Alaska Native Fund and to the United States Treasury pursuant to this subsection.

(h) Final payment; order of computation.

When computing the final payment into the Fund the respective shares of the United States and the State with respect to payments to the Fund required by this section shall be determined pursuant to this subsection and in the following order:

(1) first, from sources identified under subsections (b) and (c) hereof; and

(2) then, from sources identified under subsection (d) hereof.

(i) Outer Continental Shelf mineral revenues; provisions of section inapplicable.

The provisions of this section do not apply to mineral revenues received from the Outer Continental Shelf. (Pub. L. 92–203, § 9, Dec. 18, 1971, 85 Stat. 694, amended Pub. L. 93–153, title IV, § 407 (b), Nov. 16, 1973, 87 Stat. 591.)

REFERENCES IN TEXT

Mineral Leasing Act of 1920, referred to in subsec. (a), is classified to chapter 3A (section 181 et seq.) of Title 30, Mineral Lands and Mining.

Section 6(g) and 6(h) of the Alaska Statehood Act, referred to in subsec. (b), and Alaska Statehood Act, referred to in subsecs. (c) and (d), are set out in note preceding section 21 of Title 48, Territories and Insular Possessions.

Section 407 of the Trans-Alaska Pipeline Authorization Act, referred to in subsec. (g), probably means section 407(a) of Pub. L. 93–153, which is set out as a note under this section.

AMENDMENTS

1973—Subsec. (g). Pub. L. 93–153 added provisions covering advance payments into the Alaska Native Fund pursuant to section 407 of the Trans-Alaska Pipeline Authorization Act and the reimbursement of the United States Treasury for payments made.

ADVANCE PAYMENTS TO ALASKA NATIVES UNTIL COMMENCEMENT OF DELIVERIES OF NORTH SLOPE CRUDE OIL TO PIPELINE

Section 407(a) of Pub. L. 93–153 provided that: "In view of the delay in construction of a pipeline to transport North Slope crude oil, the sum of $5,000,000 is authorized to be appropriated from the United States Treasury into the Alaska Native Fund every six months of each fiscal year beginning with the fiscal year ending June 30, 1976, as advance payments chargeable against the revenues to be paid under section 9 of the Alaska Native Claims Settlement Act [this section], until such time as the delivery of North Slope crude oil to a pipeline is commenced."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1605 of this title.

§ 1609. Limitation of actions.

(a) Complaint, time for filing; jurisdiction; commencement by State official; certainty and finality of vested rights, titles, and interests.

Notwithstanding any other provision of law, any civil action to contest the authority of the United States to legislate on the subject matter or the legality of this chapter shall be barred unless the complaint is filed within one year of December 18, 1971, and no such action shall be entertained unless it is commenced by a duly authorized official of the State. Exclusive jurisdiction over such action is hereby vested in the United States District Court for the District of Alaska. The purpose of this limitation on suits is to insure that, after the expiration of a reasonable period of time, the right, title, and interest of the United States, the Natives, and the State of Alaska will vest with certainty and finality and may be relied upon by all other persons in their relations with the State, the Natives, and the United States.

(b) Land selection: suspension and extension of rights.

In the event that the State initiates litigation or voluntarily becomes a party to litigation to contest the auhority of the United States to legislate on the subject matter or the legality of this chapter, all rights of land selection granted to the State by the Alaska Statehood Act shall be suspended as to any public lands which are determined by the Secretary to be potentially valuable for mineral development, timber, or other commercial purposes, and no selections shall be made, no tentative approval shall be granted, and no patents shall be issued for such lands during the pendency of such litigation. In the event of such suspension, the State's right of land selection pursuant to section 6 of the Alaska Statehood Act shall be extended for a period of time equal to the period of time the selection right was suspended. (Pub. L. 92–203, § 10, Dec. 18, 1971, 85 Stat. 696.)

REFERENCES IN TEXT

Alaska Statehood Act and section 6 of the Alaska Statehood Act, referred to in subsec. (b), are set out in note preceding section 21 of Title 48, Territories and Insular Possessions.

§ 1610. Withdrawal of public lands.

(a) Description of withdrawn public lands; exceptions; National Wildlife Refuge lands exception; time of withdrawal.

(1) The following public lands are withdrawn, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from selection under the Alaska Statehood Act, as amended:

(A) The lands in each township that encloses all or part of any Native village identified pursuant to subsection (b) of this section;

(B) The lands in each township that is contiguous to or corners on the township that encloses all or part of such Native village; and

(C) The lands in each township that is contiguous to or corners on a township containing lands withdrawn by paragraph (B) of this subsection.

The following lands are excepted from such withdrawal: lands in the National Park System and lands withdrawn or reserved for national defense purposes other than Naval Petroleum Reserve Numbered 4.

(2) All lands located within the townships described in subsection (a)(1) hereof that have been selected by, or tentatively approved to, but not yet patented to, the State under the Alaska Statehood Act are withdrawn, subject to valid existing rights, from all forms of apropriation under the public land laws, including the mining and mineral leasing laws, and from the creation of third party interests by the State under the Alaska Statehood Act.

(3)(A) If the Secretary determines that the lands withdrawn by subsections (a) (1) and (2) hereof are insufficient to permit a Village or Regional Corporation to select the acreage it is entitled to select, the Secretary shall withdraw three times the deficiency from the nearest unreserved, vacant and unappropriated public lands. In making this withdrawal the Secretary shall, insofar as possible, withdraw public lands of a character similar to those on which the village is located and in order of their proximity to the center of the Native village: *Provided,* That if the Secretary, pursuant to section 1616, and 1621(e) of this title determines there is a need to expand the boundaries of a National Wildlife Refuge to replace any acreage selected in the Wildlife Refuge System by the Village Corporation the withdrawal under this section shall not include lands in the Refuge.

(B) The Secretary shall make the withdrawal provided for in subsection (3)(A) hereof on the basis of the best available information within sixty days of December 18, 1971, or as soon thereafter as practicable.

(b) List of Native villages subject to chapter; review; eligibility for benefits; expiration of withdrawals for villages; alternative eligibility; eligibility of unlisted villages.

(1) The Native villages subject to this chapter are as follows:

NAME OF PLACE AND REGION

Afognak, Afognak Island.
Akhiok, Kodiak.
Akiachak, Southwest Coastal Lowland.
Akiak, Southwest Coastal Lowland.
Akutan, Aleutian.
Alakanuk, Southwest Coastal Lowland.
Alatna, Koyukuk-Lower Yukon.
Aleknagik, Bristol Bay.
Allakaket, Koyukuk-Lower Yukon.
Ambler, Bering Strait.
Anaktuvuk, Pass, Arctic Slope.
Andreafsey, Southwest Coastal Lowland.
Aniak, Southwest Coastal Lowland.
Anvik, Koyukuk-Lower Yukon.
Arctic Village, Upper Yukon-Porcupine.
Atka, Aleutian.
Atkassok, Arctic Slope.
Atmautluak, Southwest Coastal Lowland.
Barrow, Arctic Slope.
Beaver, Upper Yukon-Porcupine.
Belkofsky, Aleutian.
Bethel, Southwest Coastal Lowland.
Bill Moore's, Southwest Coastal Lowland.
Biorka, Aleutian.
Birch Creek, Upper Yukon-Porcupine.
Brevig Mission, Bering Strait.
Buckland, Bering Strait.
Candle, Bering Strait.
Cantwell, Tanana.
Canyon Village, Upper Yukon-Porcupine.
Chalkyitsik, Upper Yukon-Porcupine.
Chanilut, Southwest Coastal Lowland.
Cherfornak, Southwest Coastal Lowland.
Chevak, Southwest Coastal Lowland.
Chignik, Kodiak.
Chignik Lagoon, Kodiak.
Chignik Lake, Kodiak.
Chistochina, Copper River.
Chitina, Copper River.
Chukwuktoligamute, Southwest Coastal Lowland.
Circle, Upper Yukon-Porcupine.
Clark's Point, Bristol Bay.
Copper Center, Copper River.
Crooked Creek, Upper Kuskokwim.
Deering, Bering Strait.
Dillingham, Bristol Bay.
Dot Lake, Tanana.
Eagle, Upper Yukon-Porcupine.
Eek, Southwest Coastal Lowland.
Egegik, Bristol Bay.
Eklutna, Cook Inlet.
Ekuk, Bristol Bay.
Ekwok, Bristol Bay.
Elim, Bering Strait.
Emmonak, Southwest Coastal Lowland.
English Bay, Cook Inlet.
False Pass, Aleutian.
Fort Yukon, Upper Yukon-Porcupine.
Gakona, Copper River.
Galena, Koyukuk-Lower Yukon.
Gambell, Bering Sea.
Georgetown, Upper Kuskokwim.
Golovin, Bering Strait.
Goodnews Bay, Southwest Coastal Lowland.
Grayling, Koyukuk-Lower Yukon.
Gulkana, Copper River.
Hamilton, Southwest Coastal Lowland.
Holy Cross, Koyukuk-Lower Yukon.
Hooper Bay, Southwest Coastal Lowland.
Hughes, Koyukuk-Lower Yukon.
Huslia, Koyukuk-Lower Yukon.
Igiugig, Bristol Bay.
Iliamna, Cook Inlet.
Inalik, Bering Strait.
Ivanof Bay, Aleutian.
Kaguyak, Kodiak.
Katovik, Arctic Slope.
Kalskag, Southwest Coastal Lowland.
Kaltag, Koyukuk-Lower Yukon.
Karluk, Kodiak.
Kasigluk, Southwest Coastal Lowland.
Kiana, Bering Strait.

NAME OF PLACE AND REGION—continued

King Cove, Aleutian.
Kipnuk, Southeast Coastal Lowland.
Kivalina, Bering Strait.
Kobuk, Bering Strait.
Kokhanok, Bristol Bay.
Koliganek, Bristol Bay.
Kongiganak, Southwest Coastal Lowland.
Kotlik, Southwest Coastal Lowland.
Kotzebue, Bering Strait.
Koyuk, Bering Strait.
Koyukuk, Koyukuk-Lower Yukon.
Kwethluk, Southwest Coastal Lowland.
Kwigillingok, Southwest Coastal Lowland.
Larsen Bay, Kodiak.
Levelock, Bristol Bay.
Lime Village, Upper Kuskokwim.
Lower Kalskag, Southwest Coastal Lowland.
McGrath, Upper Kuskokwim.
Makok, Koyukuk-Lower Yukon.
Manley Hot Springs, Tanana.
Manokotak, Bristol Bay.
Marshall, Southwest Coastal Lowland.
Mary's Igloo, Bering Strait.
Medfra, Upper Kuskokwim.
Mekoryuk, Southwest Coastal Lowland.
Mentasta Lake, Copper River.
Minchumina Lake, Upper Kuskokwim.
Minto, Tanana.
Mountain Village, Southwest Coastal Lowland.
Nabesna Village, Tranana.
Naknek, Bristol Bay.
Napaimute, Upper Kuskokwim.
Napakiak, Southwest Coastal Lowland.
Napaskiak, Southwest Coastal Lowland.
Nelson Lagoon, Aleutian.
Nenana, Tanana.
Newhalen, Cook Inlet.
New Stuyahok, Bristol Bay.
Newtok, Southwest Coastal Lowland.
Nightmute, Southwest Coastal Lowland.
Nikolai, Upper Kuskokwim.
Nikolski, Aleutian.
Ninilchik, Cook Inlet.
Noatak, Bering Strait.
Nome, Bering Strait.
Nondalton, Cook Inlet.
Nooiksut, Arctic Slope.
Noorvik, Bering Strait.
Northeast Cape, Bering Sea.
Northway, Tanana.
Nulato, Koyukuk-Lower Yukon.
Nunapitchuk, Southwest Coastal Lowland.
Ohogamiut, Southwest Coastal Lowland.
Old Harbor, Kodiak.
Oscarville, Southwest Coastal Lowland.
Ouzinkie, Kodiak.
Paradise, Koyukuk-Lower Yukon.
Pauloff Harbor, Aleutian.
Pedro Bay, Cook Inlet.
Perryville, Kodiak.
Pilot Point, Bristol Bay.
Pilot Station, Southwest Coastal Lowland.
Pitkas Point, Southwest Coastal Lowland.
Platinum, Southwest Coastal Lowland.
Point Hope, Artic Slope.
Point Lay, Arctic Slope.
Portage Creek (Ohgsenakale), Bristol Bay.
Port Graham, Cook Inlet.
Port Heiden (Meshick), Aleutian.
Port Lions, Kodiak.
Quinhagak, Southwest Coastal Lowland.
Rampart, Upper Yukon-Porcupine.
Red Devil, Upper Kuskokwim.
Ruby, Koyukuk-Lower Yukon.
Russian Mission or Chauthalue (Kuskokwim), Upper Kuskokwim.
Russian Mission (Yukon), Southwest Coastal Lowland.
St. George, Aleutian.
St. Mary's, Southwest Coastal Lowland.
St. Michael, Bering Strait.
St. Paul, Aleutian.
Salamatof, Cook Inlet.
Sand Point, Aleutian.
Savonoski, Bristol Bay.
Savoonga, Bering Sea.
Scammon Bay, Southwest Coastal Lowland.
Selawik, Bering Strait.
Seldovia, Cook Inlet.
Shageluk, Koyukuk-Lower Yukon.
Shaktoolik, Bering Strait.
Sheldon's Point, Southwest Coastal Lowland.
Shishmaref, Bering Strait.
Shungnak, Bering Strait.
Slana, Copper River.
Sleetmute, Upper Kuskokwim.
South Naknek, Bristol Bay.
Squaw Harbor, Aleutian.
Stebbins, Bering Strait.
Stevens Village, Upper Yukon-Porcupine.
Stony River, Upper Kuskokwim.
Takotna, Upper Kuskokwim.
Tanacross, Tanana.
Tanana, Koyukuk-Lower Yukon.
Tatilek, Chugach.
Tazlina, Copper River.
Telida, Upper Kuskokwim.
Teller, Bering Strait.
Tetlin, Tanana.
Togiak, Bristol Bay.
Toksook Bay, Southwest Coastal Lowland.
Tulusak, Southwest Coastal Lowland.
Tuntutuliak, Southwest Coastal Lowland.
Tununak, Southwest Coastal Lowland.
Twin Hills, Bristol Bay.
Tyonek, Cook Inlet.
Ugashik, Bristol Bay.
Unalakleet, Bering Strait.
Unalaska, Aleutian.
Unga, Aleutian.
Uyak, Kodiak.
Venetie, Upper Yukon-Porcupine.
Wainwright, Arctic Slope.
Wales, Bering Strait.
White Mountain, Bering Strait.

(2) Within two and one-half years from December 18, 1971, the Secretary shall review all of the villages listed in subsection (b)(1) hereof, and a village shall not be eligible for land benefits under

section 1613 (a) and (b) of this title, and any withdrawal for such village shall expire, if the Secretary determines that—

(A) less than twenty-five Natives were residents of the village on the 1970 census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; or

(B) the village is of a modern and urban character, and the majority of the residents are non-Native.

Any Native group made ineligible by this subsection shall be considered under section 1613(h) of this title.

(3) Native villages not listed in subsection (b)(1) hereof shall be eligible for land and benefits under this chapter and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from December 18, 1971, determines that—

(A) twenty-five or more Natives were residents of an established village on the 1970 census enumeration date as shown by the census or other evidence satisfactory to the Secrctary, who shall make findings of fact in each instance; and

(B) the village is not of a modern and urban character, and a majority of the residents are Natives.

(Pub. L. 92–203, § 11, Dec. 18, 1971, 85 Stat. 696.)

REFERENCES IN TEXT

Alaska Statehood Act, referred to in subsec. (a)(1), (2), is set out in note preceding section 21 of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1602, 1611, 1613, 1615, 1616, 1621 of this title.

§ 1611. Native land selections.

(a) Acreage limitation; proximity of selections and size of sections and units.

(1) During a period of three years from December 18, 1971, the Village Corporation for each Native village identified pursuant to section 1610 of this title shall select, in accordance with rules established by the Secretary, all of the township or townships in which any part of the village is located, plus an area that will make the total selection equal to the acreage to which the village is entitled under section 1613 of this title. The selection shall be made from lands withdrawn by section 1610(a) of this title: *Provided,* That no Village Corporation may select more than 69,120 acres from lands withdrawn by section 1610(a)(2) and not more than 69,120 acres from the National Wildlife Refuge System, and not more than 69,120 acres in a National Forest: *Provided further,* That when a Village Corporation selects the surface estate to lands within the National Wildlife Refuge System or Naval Petroleum Reserve Numbered 4, the Regional Corporation, for that region may select the subsurface estate in an equal acreage from other lands withdrawn in section 1610(a) of this title within the region, if possible.

(2) Selections made under this subsection (a) of this section shall be contiguous and in reasonably compact tracts, except as separated by bodies of water or by lands which are unavailable for selection, and shall be in whole sections and, wherever feasible, in units of not less than 1,280 acres.

(b) Allocation; reallocation considerations.

The difference between twenty-two million acres and the total acreage selected by Village Corporations pursuant to subsection (a) of this section shall be allocated by the Secretary among the eleven Regional Corporations (which excludes the Regional Corporation for southeastern Alaska) on the basis of the number of Natives enrolled in each region. Each Regional Corporation shall reallocate such acreage among the Native villages within the region on an equitable basis after considering historic use, subsistence needs, and population. The action of the Secretary or the Corporation shall not be subject to judicial review. Each Village Corporation shall select the acreage allocated to it from the lands withdrawn by section 1610(a) of this title.

(c) Computation.

The difference between thirty-eight million acres and the 22 million acres selected by Village Corporations pursuant to subsections (a) and (b) of this section shall be allocated among the eleven Regional Corporations (which excludes the Regional Corporation for southeastern Alaska) as follows:

(1) The number of acres each Regional Corporation is entitled to receive shall be computed (A) by determining on the basis of available data the percentages of all land in Alaska (excluding the southeastern region) that is within each of the eleven regions, (B) by applying that percentage to thirty-eight million acres reduced by the acreage in the southeastern region that is to be selected pursuant to section 1615 of this title and (C) by deducting from the figure so computed the number of acres within that region selected pursuant to subsections (a) and (b) of this section.

(2) In the event that the total number of acres selected within a region pursuant to subsections (a) and (b) of the section exceeds the percentage of the reduced thirty-eight million acres allotted to that region pursuant to subsection (c)(1)(B) of this section, that region shall not be entitled to receive any lands under this subsection (c). For each region so affected the difference between the acreage calculated pursuant to subsection (c)(1)(B) of this section and the acreage selected pursuant to subsections (a) and (b) shall be deducted from the acreage calculated under subsection (c)(1)(C) of this section for the remaining regions which will select lands under this subsection (c). The reductions shall be apportioned among the remaining regions so that each region's share of the total reduction bears the same proportion to the total reduction as the total land area in that region (as calculated pursuant to subsection (c)(1)(A) of this section[1] bears to the total land area in all of the regions whose allotments are to be reduced pursuant to this paragraph.

(3) Before the end of the fourth year after December 18, 1971, each Regional Corporation shall select the acreage allocated to it from the lands within the region withdrawn pursuant to section 1610(a)(1) and from the lands within the region withdrawn pursuant to section 1610(a)(3) of this

[1] So in original without closing parenthesis mark.

title to the extent lands withdrawn pursuant to section 1610(a)(1) of this title are not sufficient to satisfy its allocation: *Provided,* That within the lands withdrawn by section 1610(a)(1) of this title the Regional Corporation may select only even numbered townships in even numbered ranges, and only odd numbered townships in odd numbered ranges.

(d) Village Corporation for Native village at Dutch Harbor; lands and improvements and patent for Village Corporation.

To insure that the Village Corporation for the Native village at Dutch Harbor, if found eligible for land grants under this chapter, has a full opportunity to select lands within and near the village, no federally owned lands, whether improved or not, shall be disposed of pursuant to the Federal surplus property disposal laws for a period of two years from December 18, 1971. The Village Corporation may select such lands and improvements and receive patent to them pursuant to section 1613(a) of this title.

(e) Disputes over land selection rights and boundaries; arbitration.

Any dispute over the land selection rights and the boundaries of Village Corporations shall be resolved by a board of arbitrators consisting of one person selected by each of the Village Corporations involved, and an additional one or two persons, whichever is needed to make an odd number of arbitrators, such additional person or persons to be selected by the arbitrators selected by the Village Corporations. (Pub. L. 92–203, § 12, Dec. 18, 1971, 85 Stat. 701.)

SETTLEMENT OF CLAIMS AND CONSOLIDATION OF OWNERSHIP AMONG THE UNITED STATES, THE COOK INLET REGION, INC. AND THE STATE OF ALASKA

Section 12 of Pub. L. 94–204, Jan. 2, 1976, 89 Stat. 1150, provided that:

"(a) The purpose of this section is to provide for the settlement of certain claims, and in so doing to consolidate ownership among the United States, the Cook Inlet Region Incorporated (hereinafter in this section referred to as the 'Region'), and the State of Alaska, within the Cook Inlet area of Alaska in order to facilitate land management and to create land ownership patterns which encourage settlement and development in appropriate areas. The provisions of this section shall take effect at such time as all of the following have taken place:

"(1) the State of Alaska has conveyed or irrevocably obligated itself to convey lands to the United States for exchange, hereby authorized, with the Region in accordance with the document referred to in subsection (b);

"(2) the Region and all plaintiffs/appellants have withdrawn from Cook Inlet against Kleppe, numbered 75–2232, ninth circuit, and such proceedings have been dismissed with prejudice; and

"(3) all Native village selections under section 12 of the Settlement Act [section 1611 of this title] of the lands within Lake Clark, Lake Kontrashibuna, and Mulchatna River deficiency withdrawals have been irrevocably withdrawn and waived.

The conveyances described in paragraph (1) of this subsection shall not be subject to the provisions of section 6(i) of the Alaska Statehood Act (72 Stat. 339) [set out as note preceding section 21 of Title 48].

"(b) The Secretary shall make the following conveyances to the Region, in accordance with the specific terms, conditions, procedures, covenants, reservations, and other restrictions set forth in the document entitled 'Terms and Conditions for Land Consolidation and Management in Cook Inlet Area', which was submitted to the House Committee on Interior and Insular Affairs on December 10, 1975, the terms of which are hereby ratified as to the duties and obligations of the United States and the Region, as a matter of Federal law:

(1) title to approximately 10,240 acres of land within the Kenai National Moose Range; except that there shall be no conveyance of the bed of Lake Tustamena, or the mineral estate in the waterfront zone described in the document referred to in this subsection;

"(2) title to oil and gas and coal in not to exceed 9.5 townships within the Kenai National Moose Range;

"(3) title to Federal interests in township 10 south, range 9 west, F.M., and township 20 north, range 9 east, S.M.;

"(4) title to township 1 south, range 21 west, S.M.: sections 3 to 10, 15 to 22, 29, and 30; and rights to metalliferous minerals in the following sections in township 1 north, range 21 west, S.M.: sections 13, 14, 15, 22, 23, 24, 25, 26, 27, 28, 32, 33, 34, 35, 36;

"(5) title to twenty-nine and sixty-six hundreths townships of land outside the boundaries of Cook Inlet Region: unless pursuant to the document referred to in this subsection a greater or lesser entitlement shall exist, in which case the Secretary shall convey such entitlement;

"(6) title to lands selected by the Region from a pool which shall be established by the Secretary and the Administrator of General Services: *Provided,* That conveyances pursuant to this paragraph shall not be subject to the provisions of section 22(*l*) of the Settlement Act [section 1621(*l*) of this title]: *Provided further,* That conveyances pursuant to this paragraph shall be made in exchange for lands or rights to select lands outside the boundaries of Cook Inlet Region as described in paragraph (5) of this subsection and on the basis of values determined by agreement among the parties, notwithstanding any other provision of law. Effective upon their conveyance, the lands referred to in paragraph (1) of this subsection are excluded from the Kenai National Moose Range, but they shall automatically become part of the range and subject to the laws and regulations applicable thereto upon title thereafter vesting in the United States. The Secretary is authorized to acquire lands formerly within the range with the concurrence of the Region so long as the Region owns such lands. Section 22(e) of the Settlement Act [section 1621(e) of this title], concerning refuge replacement, shall apply with respect to lands conveyed pursuant to paragraphs (1) and (2) of this subsection, except that the Secretary may designate for replacement land twice the amount of any land conveyed without restriction to a native corporation.

No lands outside the exterior boundaries of Cook Inlet Region shall be conveyed to the Region, unless, in the following circumstances, the consent of other Native Corporations is obtained:

"(1) Where the township to be nominated is located within an area withdrawn as of December 15, 1975, pursuant to section 11(a)(1) of the Settlement Act [section 1610(a)(1) of this title], the Region shall obtain the consent of the Regional Corporation and Village Corporation affected.

"(ii) Where the township to be nominated is located within an area withdrawn pursuant to section 11(a)(3) of the Settlement Act [section 1610(a)(3) of this title] as of December 15, 1975, the Region shall obtain the consent of the Region in which the township is located.

"There shall be established a buffer zone outside the withdrawals described in subparagraphs (1) and (ii) which zone shall extend one township from any such section 11(a)(3) [section 1610(a)(3) of this title] withdrawal and one and one-half townships from any section 11(a)(1) [section 1610(a)(1) of this title], withdrawal. Any nomination of a township within such zone shall be subject to the consent of the Region, or of the Village Corporation if adjacent to a section 11(a)(1) [section 1610(a)(1) of this title], withdrawal: *Provided, however,* That the affected Regional Corporation may designate additional lands to be included by substitution in the buffer zone so long as the buffer zone location is no greater than two townships in width and the total acreage of the buffer zone is not enlarged. The affected Regional Corporation shall designate the enlarged buffer zone, if any, no later than six months following the

passage of this Act [Jan. 2, 1976]. Any use or development by the Region of land conveyed under this paragraph shall give due protection to the existing subsistence uses of such lands by the residents of the area; and no easement across Village Corporation lands to lands conveyed under this paragraph shall be established without the consent of the said Village Corporation or Corporations.

"(c) The lands and interests conveyed to the Region under the foregoing subsections of this section and the lands provided by the State exchange under subsection (a)(1) of this section, shall be considered and treated as conveyances under the Settlement Act [this chapter] unless otherwise provided, and shall constitute the Region's full entitlement under sections 12(c) and 14(b)(8) of the Settlement Act [sections 1611(c) and 1613(h)(8) of this title]. Of such lands, 3.58 townships of oil and gas and coal in the Kenai National Moose Range shall constitute the full surface and subsurface entitlement of the Region under section 14(h)(8) [section 1613(h)(8) of this title]. The lands which would comprise the difference in acreage between the lands actually conveyed under and referred to in the foregoing subsections of this section, and any final determination of what the Region's acreage rights under sections 12(c) and 14(h)(8) of the Settlement Act [sections 1611(c) and 1613(h)(8) of this title] would have been, if the conveyances set forth in this section to the Region had not been executed, shall be retained by the United States and shall not be available for conveyance to any Regional Corporation or Village Corporation, notwithstanding any provisions of the Settlement Act to the contrary.

"(d)(1) The Secretary shall convey to the State of Alaska all right, title, and interest of the United States in and to all of the following lands:

"(i) At least 22.8 townships and no more than 27 townships of land from those presently withdrawn under section 17(d)(2) of the Settlement Act [section 1616(d)(2) of this title] in the Lake Iliamna area and within the Nushagak River or Koksetana River drainages near lands heretofore selected by the State, the amount and identities of which shall be determined pursuant to the document referred to in subsection (b); and

"(ii) 26 townships of lands in the Talkettna Mountains, Kamishak Bay, and Tutna Lake areas, the identities of which are set forth in the document referred to in subsection (b).

All lands granted to the State of Alaska pursuant to this subsection shall be regarded for all purposes as if conveyed to the State under and pursuant to section 6 of the Alaska Statehood Act [set out as a vote preceding section 21 of Title 48]. *Provided, however,* That this grant of lands shall not constitute a charge against the total acreage to which the State is entitled under section 6(b) of the Alaska Statehood Act.

"(2) The Secretary is authorized and directed to convey to the State of Alaska, without consideration, all right, title, and interest of the United States in and to all that tract generally known as the Campbell tract and more particularly identified in the document referred to in subsection (b) except for one compact union of land, which he determines, after consultation with the State of Alaska, is actually needed by the Bureau of Land Management for its present operations: *Provided,* That in no event shall the unit of land so excepted exceed 1,000 acres in size. The land authorized to be conveyed pursuant to this paragraph shall be used for public parks and recreational purposes and other compatible public purposes in accordance with the generalized land use plan outlined in the Greater Anchorage Area Borough's Far North Bicentennial Park Master Development Plan of September 1974. Except as provided otherwise in this paragraph, in making the conveyance authorized and required by this paragraph, the Secretary shall utilize the procedures of the Recreation and Public Purposes Act (44 Stat. 741), as amended [section 869 et seq. of this title], and regulations developed pursuant to that Act, and the conveyance of such lands shall also contain a provision that, if the lands cease to be used for the purposes for which they were conveyed; the lands and title thereto shall revert to the United States: *Provided, however,* That the acreage limitation provided by section 1(b) of that Act, as amended by the Act of June 4, 1954 (68 Stat. 173) [section 869(b) of this title], shall not apply to this conveyance, nor shall the lands conveyed pursuant to this paragraph be counted against that acreage limitation with respect to the State of Alaska or any subdivision thereof.

"(3) The Secretary is authorized and directed to make available for selection by the State, in its discretion, under section 6 of the Alaska Statehood Act, 12.4 townships of land to be selected from lands within the Talkeetna Mountains and Koksetna River area as described in the document referred to in subsection (b).

"(e) The Secretary may, notwithstanding any other provision of law to the contrary, convey title to lands and interests in lands selected by Native corporations within the exterior boundaries of Power Site Classification 443, February 13, 1958, to such corporations, subject to the reservations required by section 24 of the Federal Power Act [section 818 of Title 16]. This conveyance shall be considered and treated as a conveyance under the Settlement Act.

"(f) All conveyances of lands made or to be made by the State of Alaska in satisfaction of the terms and conditions of the document referred to in subsection (b) of this section shall pass all of the State's right, title, and interest in such lands, including the minerals therein, as if those conveyances were made pursuant to section 22(f) of the Settlement Act [section 1621(f) of this title], except that dedicated or platted section line easements and highway and other rights-of-way may be reserved to the State.

"(g) The Secretary, through the National Park Service, shall provide financial assistance, not to exceed $25,000, hereby authorized to be appropriated, and technical assistance to the Region for the purpose of developing and implementing a land use plan for the west side of Cook Inlet, including an analysis of alternative uses of such lands.

"(h) Village Corporations within the Cook Inlet Region shall have until December 18, 1976, to file selections under section 12(b) of the Settlement Act [section 1611(b) of this title], notwithstanding any provision of that Act to the contrary.

"(i) The Secretary shall report to the Congress by April 15, 1976, on the implementation of this section. If the State fails to agree to engage in a transfer with the Federal Government, pursuant to subsection (a)(1), the Secretary shall prior to December 18, 1976, make no conveyance of the lands that were to be conveyed to the Region in this section, nor shall he convey prior to such date the Point Campbell, Point Woronzof, and Campbell tracts, so that the Congress is not precluded from fashioning an appropriate remedy. In the event that the State fails to agree as aforesaid, all rights of the Region that may have been extinguished by this section shall be restored."

CONVEYANCE TO KONIAG, INC., A REGIONAL CORPORATION, OF THE SUBSURFACE ESTATE OF LANDS TO BE SELECTED

Section 15 of Pub. L. 94–204, Jan. 2, 1976, 89 Stat. 1154, provided that:

"(a) The Secretary shall convey under section 12(a)(1) and 14(f) of the Settlement Act [sections 1611(a)(1) and 1613(f) of this title] to Koniag, Incorporated, a Regional Corporation established pursuant to section 7 of said Act [section 1606 of this title], such of the subsurface estate, other than title to or the right to remove gravel and common varieties of minerals and materials, as is selected by said corporation from lands withdrawn by Public Land Order 5397 for identification for selection by it located in the following described area:

Township 36 south, range 52 west;

Township 37 south, range 51 west;

Township 37 south, range 52 west;

Township 37 south, range 53 west, sections 1–4, 9–12, 13–16, 21–24, north half of 25–28;

Township 38 south, range 51 west, sections 1–5, 9, 10, 12, 13, 18, 24, 25;

Township 38 south, range 52 west, sections 1–35;

Township 38 south, range 53 west, sections 1, 12, 13, 24, 25, 36;
Township 39 south, range 51 west, sections 6, 7, 16–21, 28–33;
Township 39 south, range 52 west, sections 1, 2, 11, 12, 13–16, 21–24;
Township 39 south, range 53 west, sections 26, 33–36;
Township 40 south, range 52 west, sections 6, 7, 8, 9, 16, 17, 18–21, 27–36;
Township 40 south, range 53 west, all except sections 20, 29–33;
Township 40 south, range 54 west, all except sections 35 and 36;
Township 41 south, range 52 west, sections 4, 8–15;
Township 41 south, range 54 west, section 3;
Township 41 south, range 53 west, sections 1, 2, 11, 12, 13 S. M., Alaska, notwithstanding;

"The withdrawal of such lands by Public Land Order 5179, as amended, pursuant to section 17(d)(2) of the Settlement Act [section 1616(d)(2) of this title]: *Provided*, That notwithstanding the future designation by Congress as part of the National Park System or other national land system referred to in section 17(d)(2)(A) of the Settlement Act [section 1616(d)(2)(A) of this title] of the surface estate overlying any subsurface estate conveyed as provided in this section, and with or without such designation, Koniag, Incorporated, shall have such use of the surface estate, including such right of access thereto, as is reasonably necessary to the exploration for and the removal of oil and gas from said subsurface estate, subject to such regulations by the Secretary as are necessary to protect the ecology from permanent harm.

"The United States shall make available to Koniag, its successors and assigns, such sand and gravel as is reasonably necessary for the construction of facilities and rights-of-way appurtenant to the exercise of the rights conveyed under this section, pursuant to the provisions of section 601 et seq., title 30, United States Code, and the regulations implementing that statute which are then in effect.

"(b) The subsurface estate in all lands other than those described in subsection (a) within the Koniag Region and withdrawn under section 17(d)(2)(E) of the Settlement Act [section 1616(d)(2)(E) of this title], shall not be available for selection by Koniag Region, Incorporated."

SELECTION OF LANDS BY VILLAGE CORPORATION OF TATITLEK

Section 16 of Pub. L. 94–204, Jan. 2, 1976, 89 Stat. 1155, provided that:

"Within ninety days after the date of enactment of this Act [Jan. 2, 1976], the corporation created by the enrolled residents of the Village of Tatitlek may file selections upon any of the following described lands: Copper River Meridian

Township 9 south, range 3 east, sections 23, 26, 31–35.
Township 10 south, range 3 east, sections 2–27, 34–36.
Township 11 south, range 4 east, sections 5, 6, 8, 9, 16, 17, 20–22, 27–29, 33–35.
Township 9 south, range 3 east, sections 3–6, 9–11.
Township 9 south, range 3 east, sections 14–16, 21, 22, 27, 28.

"The Secretary shall receive and adjudicate such selections as though they were timely filed pursuant to section 12(a) or 12(b) of the Settlement Act [section 1611(a) or 1611(b) of this title], and were withdrawn pursuant to section 11 of that Act [section 1610 of this title].

"The Secretary shall convey such lands selected pursuant to this authorization which otherwise comply with the applicable statutes and regulations. This section shall not be construed to increase the entitlement of the corporation of the enrolled residents of Tatitlek or to increase the amount of land that may be selected from the National Forest System. The subsurface of any land selected pursuant to this section shall be conveyed to the Regional Corporation for the Chugach Region pursuant to section 14(f) of the Settlement Act [section 1613(f) of this title]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1613, 1616, 1621, 1627 of this title.

§ 1612. Surveys.

(a) Areas for conveyance to Village Corporations; monumentation of exterior boundaries; meanderable water boundaries exempt from requirement; land occupied as primary place of residence or business, or for other purposes and other patentable lands as subject to survey.

The Secretary shall survey the areas selected or designated for conveyance to Village Corporations pursuant to the provisions of this chapter. He shall monument only exterior boundaries of the selected or designated areas at angle points and at intervals of approximately two miles on straight lines. No ground survey or monumentation will be required along meanderable water boundaries. He shall survey within the areas selected or designated land occupied as a primary place of residence, as a primary place of business, and for other purposes, and any other land to be patented under this chapter.

(b) Withdrawals, selections, and conveyances pursuant to chapter; current plats of surveys or protraction diagrams; conformity to Land Survey System.

All withdrawals, selections, and conveyances pursuant to this chapter shall be as shown on current plats of survey or protraction diagrams of the Bureau of Land Management, or protraction diagrams of the Bureau of the State where protraction diagrams of the Bureau of Land Management are not available, and shall conform as nearly as practicable to the United States Land Survey System. (Pub. L. 92–203, § 13, Dec. 18, 1971, 85 Stat. 702.)

§ 1613. Conveyance of lands.

(a) Native villages listed in section 1610 and qualified for land benefits; patents for surface estates; issuance; acreage.

Immediately after selection by a Village Corporation for a Native village listed in section 1610 of this title which the Secretary finds is qualified for land benefits under this chapter, the Secretary shall issue to the Village Corporation a patent to the surface estate in the number of acres shown in the following table:

If the village had on the 1970 census enumeration date a Native population between—	It shall be entitled to a patent to an area of public lands equal to—
25 and 99	69,120 acres.
100 and 199	92,160 acres.
200 and 399	115,200 acres.
400 and 599	138,240 acres.
600 or more	161,280 acres.

The lands patented shall be those selected by the Village Corporation pursuant to section 1611(a) of this title. In addition, the Secretary shall issue to the Village Corporation a patent to the surface estate in the lands selected pursuant to section 1611(b) of this title.

(b) Native villages listed in section 1615 and qualified for land benefits; patents for surface estates; issuance; acreage.

Immediately after selection by any Village Corporation for a Native village listed in section 1615 of this title which the Secretary finds is qualified for land benefits under this chapter, the Secretary shall issue to the Village Corporation a patent to

the surface estate to 23,040 acres. The lands patented shall be the lands within the township or townships that enclose the Native village, and any additional lands selected by the Village Corporation from the surrounding townships withdrawn for the Native village by section 1615(a) of this title.

(c) Patent requirements; order of conveyance; advisory and appellate functions of Regional Corporations on sales, leases or other transactions prior to final commitment.

Each patent issued pursuant to subsections (a) and (b) of this section shall be subject to the requirements of this subsection. Upon receipt of a patent or patents:

(1) the Village Corporation shall first convey to any Native or non-Native occupant, without consideration, title to the surface estate in the tract occupied as a primary place of residence, or as a primary place of business, or as a subsistence campsite, or as headquarters for reindeer husbandry;

(2) the Village Corporation shall then convey to the occupant, either without consideration or upon payment of an amount not in excess of fair market value, determined as of the date of initial occupancy and without regard to any improvements thereon, title to the surface estate in any tract occupied by a nonprofit organization;

(3) the Village Corporation shall then convey to any Municipal Corporation in the Native village or to the State in trust for any Municipal Corporation established in the Native village in the future, title to the remaining surface estate of the improved land on which the Native village is located and as much additional land as is necessary for community expansion, and appropriate rights-of-way for public use, and other foreseeable community needs: *Provided*, That the amount of lands to be transferred to the Municipal Corporation or in trust shall be no less than 1,280 acres;

(4) the Village Corporation shall convey to the Federal Government, State or to the appropriate Municipal Corporation, title to the surface estate for existing airport sites, airway beacons, and other navigation aids, together with such additional acreage and/or easements as are necessary to provide related services and to insure safe approaches to airport runways; and

(5) for a period of ten years after December 18, 1971, the Regional Corporation shall be afforded the opportunity to review and render advice to the Village Corporations on all land sales, leases or other transactions prior to any final commitment.

(d) Rule of approximation with respect to acreage limitations.

The Secretary may apply the rule of approximation with respect to the acreage limitations contained in this section.

(e) Surface and/or subsurface estates to Regional Corporations.

Immediately after selection by a Regional Corporation, the Secretary shall convey to the Regional Corporation title to the surface and/or the subsurface estates, as is appropriate, in the lands selected.

(f) Patents to Village Corporations for surface estates and to Regional Corporations for subsurface estates; excepted lands; mineral rights, consent of Village Corporations.

When the Secretary issues a patent to a Village Corporation for the surface estate in lands pursuant to subsections (a) and (b) of this section, he shall issue to the Regional Corporation for the region in which the lands are located a patent to the subsurface estate in such lands, except lands located in the National Wildlife Refuge System and lands withdrawn or reserved for national defense purposes, including Naval Petroleum Reserve Numbered 4, for which in lieu rights are provided for in section 1611(a)(1) of this title: *Provided*, That the right to explore, develop, or remove minerals from the subsurface estate in the lands within the boundaries of any Native village shall be subject to the consent of the Village Corporation.

(g) Valid existing rights preserved; saving provisions in patents; patentee rights; administration; proportionate rights of patentee.

All conveyances made pursuant to this chapter shall be subject to valid existing rights. Where, prior to patent of any land or minerals under this chapter, a lease, contract, permit, right-of-way, or easement (including a lease issued under section 6(g) of the Alaska Statehood Act) has been issued for the surface or minerals covered under such patent, the patent shall contain provisions making it subject to the lease, contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Upon issuance of the patent, the patentee shall succeed and become entitled to any and all interests of the State or the United States as lessor, contractor, permitter, or grantor, in any such leases, contracts, permits, rights-of-way, or easements covering the estate patented, and a lease issued under section 6(g) of the Alaska Statehood Act shall be treated for all purposes as though the patent had been issued to the State. The administration of such lease, contract, permit, right-of-way, or easement shall continue to be by the State or the United States, unless the agency responsible for administration waives administration. In the event that the patent does not cover all of the land embraced within any such lease, contract, permit, right-of-way, or easement, the patentee shall only be entitled to the proportionate amount of the revenues reserved under such lease, contract, permit, right-of-way, or easement by the State or the United States which results from multiplying the total of such revenues by a fraction in which the numerator is the acreage of such lease, contract, permit, right-of-way, or easement which is included in the patent and the denominator is the total acreage contained in such lease contract, permit, right-of-way, or easement.

(h) Authorization of land conveyances.

The Secretary is authorized to withdraw and convey 2 million acres of unreserved and unappropriated public lands located outside the areas withdrawn by sections 1610 and 1615 of this title, and[1] follows:

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[1] So in original. Probably should be "as".

(1) The Secretary may withdraw and convey to the appropriate Regional Corporation fee title to existing cemetery sites and historical places;

(2) The Secretary may withdraw and convey to a Native group that does not qualify as a Native village, if it incorporates under the laws of Alaska, title to the surface estate in not more than 23,040 acres surrounding the Native group's locality. The subsurface estate in such land shall be conveyed to the appropriate Regional Corporation;

(3) The Secretary may withdraw and convey to the Natives residing in Sitka, Kenai, Juneau, and Kodiak, if they incorporate under the laws of Alaska, the surface estate of lands of a similar character in not more than 23,040 acres of land, which shall be located in reasonable proximity to the municipalities. The subsurface estate in such lands shall be conveyed to the appropriate Regional Corporation unless the lands are located in a Wildlife Refuge;

(4) The Secretary shall withdraw only such lands surrounding the villages and municipalities as are necessary to permit the conveyance authorized by paragraphs (2) and (3) to be planned and effected;

(5) The Secretary may convey to a Native, upon application within two years from December 18, 1971, the surface estate in not to exceed 160 acres of land occupied by the Native as a primary place of residence on August 31, 1971. Determination of occupancy shall be made by the Secretary, whose decision shall be final. The subsurface estate in such lands shall be conveyed to the appropriate Regional Corporations;

(6) The Secretary shall charge against the 2 million acres authorized to be conveyed by this section all allotments approved pursuant to section 1617 of this title during the four years following December 18, 1971;

(7) The Secretary may withdraw and convey lands out of the National Wildlife Refuge System and out of the National Forests, for the purposes set forth in paragraphs (1), (2), (3), and (5) of this subsection; and

(8) Any portion of the 2 million acres not conveyed by this subsection shall be allocated and conveyed to the Regional Corporations on the basis of population.

(Pub. L. 92–203, § 14, Dec. 18, 1971, 85 Stat. 702.)

REFERENCES IN TEXT

Section 6(g) of the Alaska Statehood Act, referred to in subsec. (g), is set out in note preceding section 21 of Title 48, Territories and Insular Possessions.

ESCROW ACCOUNT PENDING CONVEYANCE OF WITHDRAWN OR RESERVED LANDS

Section 2 of Pub. L. 94–204, Jan. 2, 1976, 89 Stat. 1146, provided that:

"(a) From and after the date of enactment of this Act [Jan. 2, 1976], or January 1, 1976, whichever occurs first, any and all proceeds derived from contracts, leases, permits, rights-of-way, or easements pertaining to lands or resources of lands withdrawn for Native selection pursuant to the Settlement Act [this chapter] shall be deposited in an escrow account which shall be held by the Secretary until lands selected pursuant to that Act have been conveyed to the selecting corporation or individual entitled to receive benefits under such Act. As such withdrawn or formerly reserved lands are conveyed, the Secretary shall pay from such account the proceeds, together with interest which derive from contracts, leases, permits, rights-of-way, or easements, pertaining to such lands or resources of such lands, to the appropriate corporation or individual entitled to receive benefits under the Settlement Act. The proceeds derived from contracts, leases, permits, rights-of-way, or easements, pertaining to lands withdrawn or reserved, but not selected or elected pursuant to such Act, shall, upon the expiration of the selection or election rights of the corporations and individuals for whose benefit such lands were withdrawn or reserved, be paid as would have been required by law were it not for the provisions of this Act [enacting sections 1625 to 1627 of this title, amending sections 1615, 1616, 1620, and 1621 of this title, and enacting provisions set out as notes under this section and sections 1604, 1605, 1611, 1618 and 1625 of this title].

"(b) The Secretary is authorized to deposit in the Treasury of the United States the escrow account proceeds referred to in subsection (a) of this section, and the United States shall pay interest thereon semiannually from the date of deposit to the date of payment with simple interest at the rate determined by the Secretary of the Treasury to be the rate payable on short-term obligations of the United States prevailing at the time of payment: *Provided*, That the Secretary in his discretion may withdraw such proceeds from the United States Treasury and reinvest such proceeds in the manner provided by the first section of the Act of June 24, 1938 (52 U.S.C. 1037) [section 162a of Title 25]: *Provided further*, That this section shall not be construed to create or terminate any trust relationship between the United States and any corporation or individual entitled to receive benefits under the Settlement Act.

"(c) Any and all proceeds from public easements reserved pursuant to section 17(b)(3) of the Settlement Act [section 1616(b)(3) of this title], from or after the date of enactment of this Act [Jan. 2, 1976], shall be paid to the grantee of such conveyance in accordance with such grantee's proportionate share.

"(d) To the extent that there is a conflict between the provisions of this section and any other Federal laws applicable to Alaska, the provisions of this section will govern. Any payment made to any corporation or any individual under authority of this section shall not be subject to any prior obligation under section 9(d) or 9(f) of the Settlement Act [section 1608(d) or section 1608(f) of this title]."

BOUNDARY BETWEEN SOUTHEASTERN AND CHUGACH REGIONS; HUNTING AND FISHING RIGHTS OF NATIVES OF VILLAGE OF YAKUTAT

Section 11 of Pub. L. 94–204, Jan. 2, 1976, 89 Stat. 1150, provided that: "The boundary between the southeastern and Chugach regions shall be the 141st meridian: *Provided*, That the Regional Corporation for the Chugach region shall accord to the Natives enrolled to the Village of Yakutat the same rights and privileges to use any lands which may be conveyed to the Regional Corporation in the vicinity of Icy Bay for such purposes as such Natives have traditionally made thereof, including, but not limited to, subsistence hunting, fishing and gathering, as the Regional Corporation accords to its own shareholders, and shall take no unreasonable or arbitrary action relative to such lands for the primary purpose and having the effect, of impairing or curtailing such rights and privileges."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1610, 1611, 1615, 1617, 1618, 1621, 1627 of this title.

§ 1614. Timber sale contracts; modification.

Notwithstanding the provisions of existing National Forest timber sale contracts that are directly affected by conveyances authorized by this chapter, the Secretary of Agriculture is authorized to modify any such contract, with the consent of the purchaser, by substituting, to the extent practicable, timber on other national forest lands approximately

equal in volume, species, grade, and accessibility for timber standing on any land affected by such conveyances, and, on request of the appropriate Village Corporation the Secretary of Agricuture is directed to make such substitution to the extent it is permitted by the timber sale contract without the consent of the purchaser. (Pub. L. 92–203, § 15, Dec. 18, 1971, 85 Stat. 705.)

§ 1615. Withdrawal and selection of public lands; funds in lieu of acreage.

(a) Withdrawal of public lands; list of Native villages.

All public lands in each township that encloses all or any part of a Native village listed below, and in each township that is contiguous to or corners on such township, except lands withdrawn or reserved for national defense purposes, are hereby withdrawn, subject to valid existing rights, from all forms of appropriation under the pubic land laws, including the mining and mineral leasing laws, and from selection under the Alaska Statehood Act, as amended:

Angoon, Southeast.
Craig, Southeast.
Hoonah, Southeast.
Hydaburg, Southeast.
Kake, Southeast.
Kasaan, Southeast.
Klawock, Southeast.
Klukwan, Southeast.
Saxman, Southeast.
Yakutat, Southeast.

(b) Native land selections; Village Corporations for listed Native villages; acreage; proximity of selections; conformity to Lands Survey System.

During a period of three years from December 18, 1971, each Village Corporation for the villages listed in subsection (a) of this section shall select, in accordance with rules established by the Secretary, an area equal to 23,040 acres, which must include the township or townships in which all or part of the Native village is located, plus, to the extent necessary, withdrawn lands from the townships that are contiguous to or corner on such townships. All selections shall be contiguous and in reasonably compact tracts, except as separated by bodies of water, and shall conform as nearly as practicable to the United States Lands Survey System. Such allocation as the Regional Corporation for the southeastern Alaska region shall receive under section 1613(h)(8) of this title shall be selected and conveyed from lands not selected by such Village Corporations that were withdrawn by subsection (a) of this section, except lands on Admiralty Island in the Angoon withdrawal area and, without the consent of the Governor of the State of Alaska or his delegate, lands in the Saxman and Yakutat withdrawal areas.

(c) Tlingit-Haida settlement.

The funds appropriated by the Act of July 9, 1968 (82 Stat. 307), to pay the judgment of the Court of Claims in the case of The Tlingit and Haida Indians of Alaska, et al. against The United States, numbered 47,900, and distributed to the Tlingit and Haida Indians pursuant to the Act of July 13, 1970 (84 Stat. 431), are in lieu of the additional acreage to be conveyed to qualified villages listed in section 1610 of this title.

(d) Rewithdrawal of lands surrounding village of Klukwan; period of rewithdrawal; quitclaim of certain lands and income to Chilkat Indian Village.

The lands enclosing and surrounding the village of Klukwan which were withdrawn by subsection (a) of this section are hereby rewithdrawn to the same extent and for the same purposes as provided by said subsection (a) of this section for a period of one year from January 2, 1976, during which period the Village Corporation for the village of Klukwan shall select an area equal to twenty-three thousand and forty acres in accordance with the provisions of subsection (b) of this section and such Corporation and the shareholders thereof shall otherwise participate fully in the benefits provided by this chapter to the same extent as they would have participated had they not elected to acquire title to their former reserve as provided by section 1618(b) of this title: *Provided*, That nothing in this subsection shall affect the existing entitlement of any Regional Corporation to lands pursuant to section 1613(h)(8) of this title: *Provided further*, That the foregoing provisions of this subsection shall not become effective unless and until the Village Corporation for the village of Klukwan shall quitclaim to Chilkat Indian Village, organized under the provisions of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of May 1, 1936 (49 Stat. 1250), all its right, title, and interest in the lands of the reservation defined in and vested by the Act of September 2, 1957 (71 Stat. 596), which lands are hereby conveyed and confirmed to said Chilkat Indian Village in fee simple absolute, free of trust and all restrictions upon alienation, encumbrance, or otherwise: *Provided further*, That the United States and the Village Corporation for the village of Klukwan shall also quitclaim to said Chilkat Indian Village any right or interest they may have in and to income derived from the reservation lands defined in and vested by the Act of September 2, 1957 (71 Stat. 597), after December 18, 1971 and prior to January 2, 1976. (Pub. L. 92–203, § 16, Dec. 18, 1971, 85 Stat. 705, amended Pub. L. 94–204, §§ 9, 10, Jan. 2, 1976, 89 Stat. 1150.)

REFERENCES IN TEXT

Alaska Statehood Act, referred to in subsec. (a), is set out in note preceding section 21 of Title 48, Territories and Insular Possessions.

Act of July 9, 1968 (82 Stat. 307), referred to in subsec. (c), refers to Pub. L. 90–392, the Second Supplemental Appropriation Act, 1968, which was not classified to the Code.

Act of July 13, 1970 (84 Stat. 431), referred to in subsec. (c), refers to Pub. L. 91–335, which is classified to section 1211 of Title 25, Indians.

Act of June 18, 1934, as amended by the Act of May 1, 1936, referred to in subsec. (d), is act June 18, 1934, ch. 576, 48 Stat. 984, as amended by act May 1, 1936, ch. 254, § 1, 49 Stat. 1250, which is classified to sections 461, 462, 463, 464, 465, 466 to 470, 471 to 475, 476 to 478, and 479 of Title 25, Indians.

Act of September 2, 1957, referred to in subsec. (d), is Pub. L. 85–271, Jan. 2, 1957, 71 Stat. 596, which was not classified to the Code.

AMENDMENTS

1976—Subsec. (b). Pub. L. 94–204, § 10, added provisions relating to the selection and conveyance of such allocation as the Regional Corporation for the southeastern Alaska region shall receive.

Subsec. (d). Pub. L. 94–204, § 9, added subsec. (d).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1602, 1611, 1613, 1621 of this title.

§ 1616. Joint Federal-State Land Use Planning Commission for Alaska.

(a)(1) Establishment; membership.

There is hereby established the Joint Federal-State Land Use Planning Commission for Alaska. The Planning Commission shall be composed of ten members as follows:

(A) The Governor of the State (or his designate) and four members who shall be appointed by the Governor. During the Planning Commission's existence at least one member appointed by the Governor shall be a Native as defined by this chapter.

(B) One member appointed by the President of the United States with the advice and consent of the Senate, and four members who shall be appointed by the Secretary of the Interior.

(2) Cochairmen; concurrence in decisions of Commission.

The Governor of the State and the member appointed by the President pursuant to subsection (a)(1)(B) of this section, shall serve as cochairmen of the Planning Commission. The initial meeting of the Commission shall be called by the cochairmen. All decisions of the Commission shall require the concurrence of the cochairmen.

(3) Quorum; removal; vacancies.

Six members of the Planning Commission shall constitute a quorum. Members shall serve at the pleasure of the appointing authority. A vacancy in the membership of the Commission shall not effect its powers, but shall be filled in the same manner in which the original appointment was made.

(4) Compensation and travel, subsistence, and other necessary expenses.

(A) Except to the extent otherwise provided in subparagraph (B) of this subsection, members of the Planning Commission shall receive compensation at the rate of $100 per day for each day they are engaged in the performance of their duties as members of the Commission. All members of the Commission shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

(B) Any member of the Planning Commission who is designated or appointed from the Government of the United States or from the Government of the State shall serve without compensation in addition to that received in his regular employment. The member of the Commission appointed by the President pursuant to subsection (a)(1)(B) of this section shall be compensated as provided by the President at a rate not in excess of that provided for level V of the Executive Schedule in Title 5.

(5) Cochairmen; appointment and compensation of personnel, experts, and consultants.

Subject to such rules and regulations as may be adopted by the Planning Commission, the cochairmen, without regard to the provisions of Title 5 governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, shall have the power—

(A) to appoint and fix the compensation of such staff personnel as they deem necessary, and

(B) to procure temporary and intermittent services to the same extent as is authorized by section 3109 of Title 5 , but at rates not to exceed $100 a day for individuals.

(6) Hearings; testimony and evidence; proceedings and reports; sessions; availability of information from Federal executive agencies.

(A) The Planning Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this section, hold such hearings, take such testimony, receive such evidence, print or otherwise reproduce and distribute so much of its proceedings and reports thereon, and sit and act at such times and places as the Commission, subcommittee, or member deems advisable.

(B) Each department, agency, and instrumentality of the executive branch of the Federal Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by a cochairman, such information as the Commissions deems necessary to carry out its functions under this section.

(7) Duties and powers of Commission.

The Planning Commission shall—

(A) undertake a process of land-use planning, including the identification of and the making of recommendations concerning areas planned and best suited for permanent reservation in Federal ownership as parks, game refuges, and other public uses, areas of Federal and State lands to be made available for disposal, and uses to be made of lands remaining in Federal and State ownership;

(B) make recommendations with respect to proposed land selections by the State under the Alaska Statehood Act and by Village and Regional Corporations under this chapter;

(C) be available to advise upon and assist in the development and review of land-use plans for lands selected by the Native Village and Regional Corporations under this chapter and by the State under the Alaska Statehood Act;

(D) review existing withdrawals of Federal public lands and recommend to the President of the United States such additions to or modifications of withdrawals as are deemed desirable;

(E) establish procedures, including public hearings, for obtaining public views on the land-use planning programs of the State and Federal Governments for lands under their administration;

(F) establish a committee of land-use advisers to the Commission, made up of representatives of commercial and industrial land users in Alaska, recreational land users, wilderness users, environmental groups, Alaska Natives, and other citizens;

(G) make recommendations to the President of the United States and the Governor of Alaska as to programs and budgets of the Federal and State agencies responsible for the administration of Federal and State lands;

(H) make recommendations from time to time to the President of the United States, Congress, and the Governor and legislature of the State as to changes in laws, policies, and programs that the Planning Commission determines are necessary or desirable;

(I) make recommendations to insure that economic growth and development is orderly, planned and compatible with State and national environmental objectives, the public interest in the public lands, parks, forests, and wildlife refuges in Alaska, and the economic and social well-being of the Native people and other residents of Alaska;

(J) make recommendations to improve coordination and consultation between the State and Federal Governments in making resource allocation and land-use decisions; and

(K) make recommendations on ways to avoid conflict between the State and the Native people in the selection of public lands.

(8) Reports to President, Congress, Governor, and Legislature; recordkeeping, public inspection.

(A) On or before January 31 of each year, the Planning Commission shall submit to the President of the United States, the Congress, and the Governor and legislature of the State a written report with respect to its activities during the preceding calendar year.

(B) The Planning Commission shall keep and maintain accurate and complete records of its activities and transactions in carrying out its duties under this chapter, and such records shall be available for public inspection.

(C) The principal office of the Planning Commission shall be located in the State.

(9) Federal share of costs; authorization of appropriations.

(A) The United States shall be responsible for paying for any fiscal year only 50 per centum of the costs of carrying out subsections (a) and (b) of this section for such fiscal year.

(B) For the purpose of meeting the responsibility of the United States in carrying out the provisions of this section, there is authorized to be appropriated $1,500,000 for the fiscal year ending June 30, 1972, and for each succeeding fiscal year.

(10) Interim and final reports to President, Congress, Governor, and Legislature; termination date.

The Planning Commission shall submit, in accordance with this paragraph, comprehensive reports to the President of the United States, the Congress, and the Governor and legislature of the State with respect to its planning and other activities under this chapter, together with its recommendations for programs or other actions which it determines should be implemented or taken by the United States and the State. An interim, comprehensive report covering the above matter shall be so submitted on or before May 30, 1976. A final and comprehensive report covering the above matter shall be so submitted on or before May 30, 1979. The Commission shall cease to exist effective June 30, 1979.

(b) Public easements; continuance of access rights under valid existing rights.

(1) The Planning Commission shall identify public easements across lands selected by Village Corporations and the Regional Corporations and at periodic points along the courses of major waterways which are reasonably necessary to guarantee international treaty obligations, a full right of public use and access for recreation, hunting, transportation, utilities, docks, and such other public uses as the Planning Commission determines to be important.

(2) In identifying public easements the Planning Commission shall consult with appropriate State and Federal agencies, shall review proposed transportation plans, and shall receive and review statements and recommendations from interested organizations and individuals on the need for and proposed location of public easements: *Provided*, That any valid existing right recognized by this chapter shall continue to have whatever right of access as is now provided for under existing law and this subsection shall not operate in any way to diminish or limit such right of access.

(3) Prior to granting any patent under this chapter to the Village Corporation and Regional Corporations, the Secretary shall consult with the State and the Planning Commission and shall reserve such public easements as he determines are necessary.

(c) Prohibition against selection of lands from withdrawn area in event of withdrawal of utility and transportation corridor across public lands.

In the event that the Secretary withdraws a utility and transportation corridor across public lands in Alaska pursuant to his existing authority, the State, the Village Corporations and the Regional Corporations shall not be permitted to select lands from the area withdrawn.

(d) Public Land Order Numbered 4582 revoked; withdrawal of unreserved public lands; classification and reclassification of lands; opening lands to appropriation; administration; contracting and other authority of Secretary not impaired by withdrawal.

(1) Public Land Order Numbered 4582, 34 Federal Register 1025, as amended, is hereby revoked. For a period of ninety days after December 18, 1971, all unreserved public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining (except locations for metalliferous minerals) and the mineral leasing laws. During this period of time the Secretary shall review the public lands in Alaska and determine whether any portion of these lands should be withdrawn under authority provided for in existing law to insure that the public interest in these lands is properly protected. Any further withdrawal shall require an affirmative act by the Secretary under his existing authority, and the Secretary is authorized to classify or reclassify any lands so withdrawn and to open such lands to appropriation under the public land laws in accord with his classifications. Withdrawals pursuant to this paragraph shall not affect the authority of the Village Corporations, the Regional Corporations, and the State to make selections and obtain patents within the areas withdrawn pursuant to section 1610 of this title.

(2)(A) The Secretary, acting under authority provided for in existing law, is directed to withdraw from all forms of appropriation under the public

land laws, including the mining and mineral leasing laws, and from selection under the Alaska Statehood Act, and from selection by Regional Corporations pursuant to section 1610 of this title, up to, but not to exceed, eighty million acres of unreserved public lands in the State of Alaska, including previously classified lands, which the Secretary deems are suitable for addition to or creation as units of the National Park, Forest, Wildlife Refuge, and Wild and Scenic Rivers Systems: *Provided*, That such withdrawals shall not affect the authority of the State and the Regional and Village Corporations to make selections and obtain patents within the areas withdrawn pursuant to section 1610 of this title.

(B) Lands withdrawn pursuant to paragraph (A) hereof must be withdrawn within nine months of December 18, 1971. All unreserved public lands not withdrawn under paragraph (A) or subsection (d)(1) of this section shall be available for selection by the State and for appropriation under the public land laws.

(C) Every six months, for a period of two years from December 18, 1971, the Secretary shall advise the Congress of the location, size and values of lands withdrawn pursuant to paragraph (A) and submit his recommendations with respect to such lands. Any lands withdrawn pursuant to paragraph (A) not recommended for addition to or creation as units of the National Park, Forest, Wildlife Refuge, and Wild and Scenic Rivers Systems at the end of the two years shall be available for selection by the State and the Regional Corporations, and for appropriations under the public land laws.

(D) Areas recommended by the Secretary pursuant to paragraph (C) shall remain withdrawn from any appropriation under the public land laws until such time as the Congress acts on the Secretary's recommendations, but not to exceed five years from the recommendation dates. The withdrawal of areas not so recommended shall terminate at the end of the two year period.

(E) Notwithstanding any other provision of this subsection, initial identification of lands desired to be selected by the State pursuant to the Alaska Statehood Act and by the Regional Corporations pursuant to section 1611 of this title may be made within any area withdrawn pursuant to this subsection (d), but such lands shall not be tentatively approved or patented so long as the withdrawals of such areas remain in effect: *Provided*, That selection of lands by Village Corporations pursuant to section 1611 of this title shall not be affected by such withdrawals and such lands selected may be patented and such rights granted as authorized by this chapter. In the event Congress enacts legislation setting aside any areas withdrawn under the provisions of this subsection which the Regional Corporations or the State desired to select, then other unreserved public lands shall be made available for alternative selection by the Regional Corporations and the State. Any time periods established by law for Regional Corporations or State selections are hereby extended to the extent that delays are caused by compliance with the provisions of this subsection (2).

(3) Any lands withdrawn under this section shall be subject to administration by the Secretary under applicable laws and regulations, and his authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by the withdrawal. (Pub. L. 92–203, § 17, Dec. 18, 1971, 85 Stat. 706, amended Pub. L. 94–204, § 7, Jan. 2, 1976, 89 Stat. 1149.)

REFERENCES IN TEXT

"Level V of the Executive Schedule", referred to in subsec. (a)(4)(B), is set out in section 5316 of Title 5, Government Organization and Employees.

Alaska Statehood Act, referred to in subsecs. (a)(7)(B), (C) and (d)(2)(A), (E), is set out in note preceding section 21 of Title 48, Territories and Insular Possessions.

AMENDMENTS

1976—Subsec. (a)(10). Pub. L. 94–204 extended the life of the Commission from Dec. 31, 1976 to June 30, 1979, directed the submission of multiple reports, with an interim report to be submitted on or before May 30, 1976, and extended from May 30, 1976 to May 30, 1979 the date on or before which the final report shall be submitted.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1602, 1610, 1621 of this title; title 16 section 670n.

§ 1617. Indian allotment authority in Alaska; revocation; charging allotments on pending application against statutory acreage grant.

(a) No Native covered by the provisions of this chapter, and no descendant of his, may hereafter avail himself of an allotment under the provisions of the Act of February 8, 1887 (24 Stat. 389), as amended and supplemented, or the Act of June 25, 1910 (36 Stat. 863). Further, the Act of May 17, 1906 (34 Stat. 197), as amended, is hereby repealed. Notwithstanding the foregoing provisions of this section, any application for an allotment that is pending before the Department of the Interior on December 18, 1971, may, at the option of the Native applicant, be approved and a patent issued in accordance with said 1887, 1910, or 1906 Act, as the case may be, in which event the Native shall not be eligible for a patent under section 1613(h)(5) of this title.

(b) Any allotments approved pursuant to this section during the four years following December 18, 1971, shall be charged against the two million acre grant provided for in section 1613(h) of this title. (Pub. L. 92–203, § 18, Dec. 18, 1971, 85 Stat. 710.)

REFERENCES IN TEXT

Act Feb. 8, 1887 (24 Stat. 389), referred to in subsec. (a), refers to provisions of Indian General Allotment Act relating to allotments to Indians not residing on reservations which are classified to section 334 of Title 25, Indians.

Act June 25, 1910 (36 Stat. 863), referred to in subsec (a), refers to provisions of act June 25, 1910, ch. 431, relating allotments in national forests which are classified to section 337 of Title 25.

Act May 17, 1906 (34 Stat. 197), referred to in subsec. (a) and classified to sections 270–1 to 270–3 of this title, authorized making of homestead allotments to Native Indians, Aleuts, or Eskimos and provided for conveyance of allotted lands; permitted allotments of land in national forests if the land was certified as chiefly valuable for agricultural or grazing uses; and prohibited making of an allotment unless the person made satisfactory proof of substantially continuous use and occupancy of the land for five years.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1613 of this title.

§ 1618. Reservations; revocation; excepted reserve; acquisition of title to surface and subsurface estates in reserve: election of Village Corporations.

(a) Notwithstanding any other provision of law, and except where inconsistent with the provisions of this chapter, the various reserves set aside by legislation or by Executive or Secretarial Order for Native use or for administration of Native affairs, including those created under section 497 of Title 25, are hereby revoked subject to any valid existing rights of non-Natives. This section shall not apply to the Annette Island Reserve established by section 495 of Title 25 and no person enrolled in the Metlakatla Indian community of the Annette Island Reserve shall be eligible for benefits under this chapter.

(b) Notwithstanding any other provision of law or of this chapter, any Village Corporation or Corporations may elect within two years to acquire title to the surface and subsurface estates in any reserve set aside for the use or benefit of its stockholders or members prior to December 18, 1971. If two or more villages are located on such reserve the election must be made by all of the members or stockholders of the Village Corporations concerned. In such event, the Secretary shall convey the land to the Village Corporation or Corporations, subject to valid existing rights as provided in section 1613(g) of this title, and the Village Corporation shall not be eligible for any other land selections under this chapter or to any distribution of Regional Corporations funds pursuant to section 1606 of this title, and the enrolled residents of the Village Corporation shall not be eligible to receive Regional Corporation stock. (Pub. L. 92–203, § 19, Dec. 18, 1971, 85 Stat. 710.)

GRANTS TO VILLAGE CORPORATIONS FOR PLANNING, DEVELOPMENT AND OTHER PURPOSES

Section 14 of Pub. L. 94–204, Jan. 2, 1976, 89 Stat. 1154, provided that:

"(a) The Secretary shall pay, by grant, $250,000 to each of the corporations established pursuant to section 14(h)(3) of the Settlement Act [section 1613(h)(3) of this title].

"(b) The Secretary shall pay, by grant, $100,000 to each of the following Village Corporations:

(1) Arctic Village;
(2) Elim;
(3) Gambell;
(4) Savoonga;
(5) Tetlin; and
(6) Venetie.

"(c) Funds authorized under this section may be used only for planning, development, and other purposes for which the corporations set forth in subsections (a) and (b) are organized under the Settlement Act [this chapter].

"(d) There is authorized to be appropriated to the Secretary for the purpose of this section a sum of $1,600,000 in fiscal year 1976."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1615, 1627 of this title.

§ 1619. Attorney and consultant fees.

(a) Holding moneys in Fund for authorized payments.

The Secretary of the Treasury shall hold in the Alaska Native Fund, from the appropriation made pursuant to section 1605 of this title for the second fiscal year, moneys sufficient to make the payments authorized by this section.

(b) Claims; submission.

A claim for attorney and consultant fees and out-of-pocket expenses may be submitted to the Chief Commissioner of the United States Court of Claims for services rendered before December 18, 1971, to any Native tribe, band, group, village, or association in connection with:

(1) the preparation of this chapter and previously proposed Federal legislation to settle Native claims based on aboriginal title, and

(2) the actual prosecution pursuant to an authorized contract or a cause of action based upon a claim pending before any Federal or State Court or the Indians Claims Commission that is dismissed pursuant to this chapter.

(c) Same; filing date; form; information.

A claim under this section must be filed with the clerk of the Court of Claims within one year from December 18, 1971, and shall be in such form and contain such information as the Chief Commissioner shall prescribe. Claims not so filed shall be forever barred.

(d) Same; rules for receipt, determination, and settlement.

The Chief Commissioner or his delegate is authorized to receive, determine, and settle such claims in accordance with the following rules:

(1) No claim shall be allowed if the claimant has otherwise been reimbursed.

(2) The amount allowed for services shall be based on the nature of the service rendered, the time and labor required, the need for providing the service, whether the service was intended to be a voluntary public service or compensable, the existence of a bona fide attorney-client relationship with an identified client, and the relationship of the service rendered to the enactment of proposed legislation. The amount allowed shall not be controlled by any hourly charge customarily charged by the claimant.

(3) The amount allowed for out-of-pocket expenses shall not include office overhead, and shall be limited to expenses that were necessary, reasonable, unreimbursed and actually incurred.

(4) The amounts allowed for services rendered shall not exceed in the aggregate $2,000,000, of which not more than $100,000 shall be available for the payment of consultants' fees. If the approved claims exceed the aggregate amounts allowable, the Chief Commissioner shall authorize payment of the claims on a pro rata basis.

(5) Upon the filing of a claim, the clerk of the Court of Claims shall forward a copy of such claims to the individuals or entities on whose behalf services were rendered or fees and expenses were allegedly incurred, as shown by the pleadings, to the Attorney General of the United States, to the Attorney General of the State of Alaska, to the Secretary of the Interior, and to any other person who appears to have an interest in the claim, and shall give such persons ninety days within which to file an answer contesting the claim.

(6) The Chief Commissioner may designate a trial commissioner for any claim made under this section and a panel of three commissioners of the

court to serve as a reviewing body. One member of the review panel shall be designated as presiding commissioner of the panel.

(7) Proceedings in all claims shall be pursuant to rules and orders prescribed for the purpose by the Chief Commissioner who is hereby authorized and directed to require the application of the pertinent rules of practice of the Court of Claims insofar as feasible. Claimants may appear before a trial commissioner in person or by attorney, and may produce evidence and examine witnesses. In the discretion of the Chief Commissioner or his designate, hearings may be held in the localities where the claimants reside if convenience so demands.

(8) Each trial commissioner and each review panel shall have authority to do and perform any acts which may be necessary or proper for the efficient performance of their duties, and shall have the power of subpena, the power to order audit of books and records, and the power to administer oaths and affirmations. Any sanction authorized by the rules of practice of the Court of Claims, except contempt, may be imposed on any claimant, witness, or attorney by the trial commissioner, review panel, or Chief Commissioner. None of the rules, regulations, rulings, findings, or conclusions authorized by this section shall be subject to judicial review.

(9) The findings and conclusions of the trial commissioner shall be submitted by him, together with the record in the case, to the review panel of commissioners for review by it pursuant to such rules as may be provided for the purpose, which shall include provision for submitting the decision of the trial commissioner to the claimant and any party contesting the claim for consideration, exception, and argument before the panel. The panel, by majority vote, shall adopt or modify the findings or the conclusions of the trial commissioner.

(10) The Court of Claims is hereby authorized and directed, under such conditions as it may prescribe, to provide the facilities and services of the office of the clerk of the court for the filing, processing, hearing, and dispatch of claims made pursuant to this section and to include within its annual appropriations the costs thereof and other costs of administration, including (but without limitation to the items herein listed) the salaries and traveling expenses of its auditors and the commissioners serving as trial commissioners and panel members, mailing and service of process, necessary physical facilities, equipment, and supplies, and personnel (including secretaries, reporters, auditors, and law clerks).

(e) Report to Congress; payment of claims; interest restriction.

The Chief Commissioner shall certify to the Secretary of the Treasury, and report to the Congress, the amount of each claim allowed and the name and address of the claimant. The Secretary of the Treasury shall pay to such person from the Alaska Native Fund the amounts certified. No award under this section shall bear interest.

(f) Contract restriction; penalty.

(1) No remuneration on account of any services or expenses for which a claim is made or could be made pursuant to this section shall be received by any person for such services and expenses in addition to the amount paid in accordance with this section, and any contract or agreement to the contrary shall be void.

(2) Any person who receives, and any corporation or association official who pays, on account of such services and expenses, any remuneration in addition to the amount allowed in accordance with this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $5,000, or imprisoned not more than twelve months, or both.

(g) Claims for cost in performance of certain services: submission, form, information, reasonableness, pro rata reductions; report to Congress; payment of claims; interest restriction.

A claim for actual costs incurred in filing protests, preserving land claims, advancing land claims settlement legislation, and presenting testimony to the Congress on proposed Native land claims may be submitted to the Chief Commissioner of the Court of Claims by any bona fide association of Natives. The claim must be submitted within six months from December 18, 1971, and shall be in such form and contain such information as the Chief Commissioner shall prescribe. The Chief Commissioner shall allow such amounts as he determines are reasonable, but he shall allow no amount for attorney and consultant fees and expenses which shall be compensable solely under subsection (b) through (e) of this section. If approved claims under this subsection aggregate more than $600,000, each claim shall be reduced on a pro rata basis. The Chief Commissioner shall certify to the Secretary of the Treasury, and report to the Congress, the amount of each claim allowed and the name and address of the claimant. The Secretary of the Treasury shall pay to such claimant from the Alaska Native Fund the amount certified. No award under this subsection shall bear interest. (Pub. L. 92–203, § 20, Dec. 18, 1971, 85 Stat. 710.)

CHANGE OF NAME

"Chief Commissioner" and "trial commissioner" of the Court of Claims were redesignated "chief of the trial division" and "trial judge", respectively, by General Order No. 2 of 1973 of the United States Court of Claims, issued August 1, 1973. This redesignation is applicable in all proceedings other than Congressional references cases.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1605 of this title.

§ 1620. Taxation.

(a) Fund revenues exemption; investment income taxable.

Revenues originating from the Alaska Native Fund shall not be subject to any form of Federal, State, or local taxation at the time of receipt by a Regional Corporation, Village Corporation, or individual Native through dividend distributions or in any other manner. This exemption shall not apply to income from the investment of such revenues.

(b) Shares of stock exemption.

The receipt of shares of stock in the Regional or Village Corporations by or on behalf of any Native

shall not be subject to any form of Federal, State or local taxation.

(c) Land or land interests exemption; basis on disposition of land or land interests.

The receipt of land or any interest therein pursuant to this chapter or of cash in order to equalize the values of properties exchanged pursuant to section 1621(f) of this title shall not be subject to any form of Federal, State or local taxation. The basis for computing gain or loss on subsequent sale or other disposition of such land or interest in land for purposes of any Federal, State or local tax imposed on or measured by income shall be the fair value of such land or interest in land at the time of receipt.

(d) Real property interests: exemption period for interests not developed or leased, developed or leased interests taxable, certain real property interests taxable; derivative revenues or proceeds taxable.

Real property interests conveyed, pursuant to this chapter, to a Native individual, Native group, or Village or Regional Corporation which are not developed or leased to third parties, shall be exempt from State and local real property taxes for a period of twenty years after December 18, 1971: *Provided*, That municipal taxes, local real property taxes, or local assessments may be imposed upon leased or developed real property within the jurisdiction of any governmental unit under the laws of the State: *Provided further*, That easements, rights-of-way, leaseholds, and similar interests in such real property may be taxed in accordance with State or local law. All rents, royalties, profits, and other revenues or proceeds derived from such property interests shall be taxable to the same extent as such revenues or proceeds are taxable when received by a non-Native individual or corporation.

(e) Public lands status of real property interests exempt from real estate taxes for purposes of Federal highway and education laws; Federal fire protection services for real property interests without cost.

Real property interests conveyed pursuant to this chapter to a Native individual, Native group, or Village or Regional Corporation shall, so long as the fee therein remains not subject to State or local taxes on real estate, continue to be regarded as public lands for the purpose of computing the Federal share of any highway project pursuant to Title 23, as amended and supplemented, for the purpose of the Johnson-O'Malley Act of April 16, 1934, as amended (section 452 of Title 25), and for the purpose of Public Laws 815 and 874, 81st Congress (64 Stat. 967, 1100), and so long as there are also no substantial revenues from such lands, continue to receive forest fire protection services from the United States at no cost.

(f) Stocks of Regional and Village Corporations exempt from estate taxes; period of exemption.

Until January 1, 1992, stock of any Regional Corporation organized pursuant to section 1606 of this title, including the right to receive distributions under subsection 1606(j) of this title, and stock of any Village Corporation organized pursuant to section 1607 of this title shall not be includable in the gross estate of a decedent under sections 2031 and 2033, or any successor provisions, of Title 26. (Pub. L. 92–203, § 21, Dec. 18, 1971, 85 Stat. 713, amended Pub. L. 94–204, § 13, Jan. 2, 1976, 89 Stat. 1154.)

REFERENCES IN TEXT

Public Laws 815 and 874, 81st Congress (64 Stat. 967, 1100), referred to in subsec. (e), mean acts Sept. 23, 1950, ch. 995, and Sept. 30, 1950, ch. 1124, the School Facilities Construction Act and the Educational Agencies Financial Aid Act, classified respectively to chapter 19 (section 631 et seq.) and chapter 13 (section 236 et seq.) of Title 20, Education

AMENDMENTS

1976—Subsec. (f). Pub. L. 94–204 added subsec. (f).

§ 1621. Miscellaneous provisions.

(a) Contract restrictions; percentage fee; enforcement; liens, executions, or judgments.

None of the revenues granted by section 1605 of this title, and none of the lands granted by this chapter to the Regional and Village Corporation and to Native groups and individuals shall be subject to any contract which is based on a percentage fee of the value of all or some portion of the settlement granted by this chapter. Any such contract shall not be enforceable against any Native as defined by this chapter or any Regional or Village Corporation and the revenues and lands granted by this chapter shall not be subject to lien, execution or judgment to fulfill such a contract.

(b) Patents for homesteads, headquarters sites, trade and manufacturing sites, or small tract sites; use and occupancy protection.

The Secretary is directed to promptly issue patents to all persons who have made a lawful entry on the public lands in compliance with the public land laws for the purpose of gaining title to homesteads, headquarters sites, trade and manufacturing sites, or small tract sites (section 682 of this title), and who have fulfilled all requirements of the law prerequisite to obtaining a patent. Any person who has made a lawful entry prior to August 31, 1971, for any of the foregoing purposes shall be protected in his right of use and occupancy until all the requirements of law for a patent have been met even though the lands involved have been reserved or withdrawn in accordance with Public Land Order 4582, as amended, or the withdrawal provisions of this chapter: *Provided*, That occupancy must have been maintained in accordance with the appropriate public land law: *Provided further*, That any person who entered on public lands in violation of Public Land Order 4582, as amended, shall gain no rights.

(c) Mining claims; possessory rights; protection.

On any lands conveyed to Village and Regional Corporations, any person who prior to August 31, 1971, initiated a valid mining claim or location under the general mining laws and recorded notice of said location with the appropriate State or local office shall be protected in his possessory rights, if all requirements of the general mining laws are complied with, for a period of five years and may, if all requirements of the general mining laws are complied with, proceed to patent.

(d) Purchase restrictions for personnel inapplicable to chapter.

The provisions of section 11 of this title shall not apply to any land grants or other rights granted under this chapter.

(e) National Wildlife Refuge System; replacement lands.

If land within the Naticnal Wildlife Refuge System is selected by a Village Corporation pursuant to the provisions of this chapter, the secretary shall add to the Refuge System other public lands in the State to replace the lands selected by the Village Corporation.

(f) Land exchanges.

The Secretary, the Secretary of Defense, the Secretary of Agriculture, and the State of Alaska are authorized to exchange lands or interests therein, including Native selection rights, with the corporations organized by Native groups, Village Corporations, Regional Corporations, and the corporations organized by Natives residing in Juneau, Sitka, Kodiak, and Kenai, all as defined in this chapter, and other municipalities and corporations or individuals, the State (acting free of the restrictions of section 6(i) of the Alaska Statehood Act), or any Federal agency for the purpose of effecting land consolidations or to facilitate the management or development of the land, or for other public purposes. Exchanges shall be on the basis of equal value, and either party to the exchange may pay or accept cash in order to equalize the value of the property exchanged: *Provided,* That when the parties agree to an exchange and the appropriate Secretary determines it is in the public interest, such exchanges may be made for other than equal value.

(g) National Wildlife Refuge System lands subject of patents; Federal reservation of first refusal rights; provision in patents for continuing application of laws and regulations governing Refuge.

If a patent is issued to any Village Corporation for land in the National Wildlife Refuge System, the patent shall reserve to the United States the right of first refusal if the land is ever sold by the Village Corporation. Notwithstanding any other provision of this chapter, every patent issued by the Secretary pursuant to this chapter—which covers lands lying within the boundaries of a National Wildlife Refuge on December 18, 1971, shall contain a provision that such lands remain subject to the laws and regulations governing use and development of such Refuge.

(h) Withdrawals of public lands; termination date.

(1) All withdrawals made under this chapter, except as otherwise provided in this subsection, shall terminate within four years of December 18, 1971: *Provided,* That any lands selected by Village or Regional Corporations or by a Native group under section 1611 of this title shall remain withdrawn until conveyed pursuant to section 1613 of this title.

(2) The withdrawal of lands made by section 1610(a)(2) and section 1615 of this title shall terminate three years from December 18, 1971.

(3) The provisions of this section shall not apply to any withdrawals made under section 1616 of this title.

(4) The Secretary is authorized to terminate any withdrawal made by or pursuant to this chapter whenever he determines that the withdrawal is no longer necessary to accomplish the purposes of this chapter.

(i) Administration of withdrawn lands; contracting and other authority of Secretaries not impaired by withdrawal.

Prior to a conveyance pursuant to section 1613 of this title, lands withdrawn by or pursuant to sections 1610, 1613, and 1615 of this title shall be subject to administration by the Secretary, or by the Secretary of Agriculture in the case of National Forest lands, under applicable laws and regulations, and their authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by the withdrawal.

(j) Administration actions in absence of protraction diagrams and nonconformity to Land Survey System to accomplish purposes of chapter; deed notation of adjustments to insure beneficiaries of land grants their full entitlement.

In any area of Alaska for which protraction diagrams of the Bureau of Land Management or the State do not exist, or which does not conform to the United States Land Survey System, or which has not been surveyed in a manner adequate to withdraw and grant the lands provided for under this chapter, the Secretary shall take such actions as are necessary to accomplish the purposes of this chapter, and the deeds granted shall note that upon completion of an adequate survey appropriate adjustments will be made to insure that the beneficiaries of the land grants receive their full entitlement.

(k) National forest land patents; conditions.

Any patents to lands under this chapter which are located within the boundaries of a national forest shall contain such conditions as the Secretary deems necessary to assure that:

(1) the sale of any timber from such lands shall, for a period of five years, be subject to the same restrictions relating to the export of timber from the United States as are applicable to national forest lands in Alaska under rules and regulations of the Secretary of Agriculture; and

(2) such lands are managed under the principle of sustained yield and under management practices for protection and enhancement of environmental quality no less stringent than such management practices on adjacent national forest lands for a period of twelve years.

(*l*) Land selection limitation; proximity to home rule or first class city and Ketchikan.

Notwithstanding any provision of this chapter, no Village or Regional Corporation shall select lands which are within two miles from the boundary, as it exists on December 18, 1971, of any home rule or first class city (excluding boroughs) or which are within six miles from the boundary of Ketchikan. (Pub. L. 92–203, § 22, Dec. 18, 1971, 85 Stat. 713, amended Pub. L. 94–204, § 17, Jan. 2, 1976, 89 Stat. 1156.)

REFERENCES IN TEXT

Section 6(i) of the Alaska Statehood Act, referred to in subsec. (f), is set out in a note preceding section 21 of Title 48, Territories and Insular Possessions.

AMENDMENTS

1976—Subsec. (f). Pub. L. 94–204 authorized the State of Alaska to make direct exchanges of land between it and Native Corporations, authorized the State to transfer mineral interests, notwithstanding section 6(i) of the

Alaska Statehood Act, to Federal agencies in such exchanges, and authorized exchanges on a basis other than equal value, by agreement of the parties or if deemed in the public interest.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1610, 1620 of this title.

§ 1622. Annual reports to Congress until 1984; submission in 1985 of report of status of Natives, summary of actions taken, and recommendations.

The Secretary shall submit to the Congress annual reports on implementation of this chapter. Such reports shall be filed by the Secretary annually until 1984. At the beginning of the first session of Congress in 1985 the Secretary shall submit, through the President, a report of the status of the Natives and Native groups in Alaska, and a summary of actions taken under this chapter, together with such recommendations as may be appropriate. (Pub. L. 92–203, § 23, Dec. 18, 1971, 85 Stat. 715.)

§ 1623. Authorization of appropriations.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this chapter. (Pub. L. 92–203, § 24, Dec. 18, 1971, 85 Stat. 715.)

§ 1624. Regulations; issuance; publication in Federal Register.

The Secretary is authorized to issue and publish in the Federal Register, pursuant to the Administrative Procedure Act, such regulations as may be necessary to carry out the purposes of this chapter. (Pub. L. 92–203, § 25, Dec. 18, 1971, 85 Stat. 715.)

REFERENCE IN TEXT

Administrative Procedure Act, referred to in the text, is classified to section 551 et seq. of Title 5, Government Organization and Employees.

§ 1625. Corporations exempt from securities laws; period of exemption.

Any corporation organized pursuant to this chapter shall be exempt from the provisions of the Investment Company Act of 1940 (54 Stat. 789), the Securities Act of 1933 (48 Stat. 74), and the Securities Exchange Act of 1934 (48 Stat. 881), as amended, through December 31, 1991. Nothing in this section, however, shall be construed to mean that any such corporation shall or shall not, after such date, be subject to the provisions of such Acts. Any such corporation which, but for this section, would be subject to the provisions of the Securities Exchange Act of 1934 shall transmit to its stockholders each year a report containing substantially all the information required to be included in an annual report to stockholders by a corporation which is subject to the provisions of such Act. (Pub. L. 92–203, § 28, as added Pub. L. 94–204, § 3, Jan. 2, 1976, 89 Stat. 1147.)

REFERENCES IN TEXT

The Investment Company Act of 1940, referred to in text, is classified to section 80a–1 et seq. of Title 15, Commerce and Trade.

The Securities Act of 1933, referred to in text, is classified to section 77a et seq. of Title 15.

The Securities Exchange Act of 1934, referred to in text, is classified to section 78a et seq. of Title 15.

CONSTRUCTION OF ALASKA NATIVE CLAIMS SETTLEMENT ACT WITH PUB. L. 94–204

Section 18 of Pub. L. 94–204 provided that: "Except as specifically provided in this Act [enacting this section, sections 1626 and 1627 of this title, amending sections 1615, 1616, 1620 and 1621 of this title, and enacting provisions set out as notes under this section, sections 1604, 1605, 1611, 1613 and 1618 of this title], (i) the provisions of the Settlement Act [this chapter] are fully applicable to this Act, and (ii) nothing in this Act shall be construed to alter or amend any of such provisions."

§ 1626. Applicability of settlement benefits to other governmental benefits; food stamp program.

(a) The payments and grants authorized under this chapter constitute compensation for the extinguishment of claims to land, and shall not be deemed to substitute for any governmental programs otherwise available to the Native people of Alaska as citizens of the United States and the State of Alaska.

(b) Notwithstanding section 5(a) and any other provision of the Food Stamp Act of 1964 (78 Stat. 703), as amended, in determining the eligibility of any household to participate in the food stamp program, any compensation, remuneration, revenue, or other benefit received by any member of such household under this chapter shall be disregarded. (Pub. L. 92–203, § 29, as added Pub. L. 94–204, § 4, Jan. 2, 1976, 89 Stat. 1147.)

REFERENCES IN TEXT

The Food Stamp Act of 1964, as amended, referred to in subsec. (b), is classified to section 2011 et seq. of Title 7, Agriculture. Section 5(a) of such Act, referred to in subsec. (b), is classified to section 2014(a) of Title 7.

§ 1627. Merger of native corporations.

(a) Applicability of State law.

Notwithstanding any provision of this chapter, any corporation created pursuant to section 1606(d), 1607(a), 1613(h)(2), or 1613(h)(3) of this title within any of the twelve regions of Alaska, as established by section 1606(a) of this title, may, at any time, merge or consolidate, pursuant to the applicable provisions of the laws of the State of Alaska, with any other of such corporation or corporations created within or for the same region. Any corporations resulting from mergers or consolidations further may merge or consolidate with other such merged or consolidated corporations within the same region or with other of the corporations created in said region pursuant to section 1606(d), 1607(a), 1613(h)(2), or 1613(h)(3) of this title.

(b) Terms and conditions of merger; rights of dissenting shareholders; rights and liabilities of successor corporation.

Such mergers or consolidations shall be on such terms and conditions as are approved by vote of the shareholders of the corporations participating therein, including, where appropriate, terms providing for the issuance of additional shares of Regional Corporation stock to persons already owning such stock, and may take place pursuant to votes of shareholders held either before or after January 2, 1976: *Provided*, That the rights accorded under Alaska law to dissenting shareholders in a merger or consolidation may not be exercised in any merger or consolidation pursuant to this chapter effected prior to December 19, 1991. Upon the effec-

tiveness of any such mergers or consolidations the corporations resulting therefrom and the shareholders thereof shall succeed and be entitled to all the rights, privileges, and benefits of this chapter, including but not limited to the receipt of lands and moneys and exemptions from various forms of Federal, State, and local taxation, and shall be subject to all the restrictions and obligations of this chapter as are applicable to the corporations and shareholders which and who participated in said mergers or consolidations or as would have been applicable if the mergers or consolidations and transfers of rights and titles thereto had not taken place: *Provided*, That, where a Village Corporation organized pursuant to section 1618(b) of this title merges or consolidates with the Regional Corporation of the region in which such village is located or with another Village Corporation of that region, no provision of such merger or consolidation shall be construed as increasing or otherwise changing regional enrollments for purposes of distribution of the Alaska Native Fund; land selection eligibility; or revenue sharing pursuant to sections 1605(c), 1606 (m), 1611(b), 1613(h)(8), and 1606(i) of this title.

(c) Alteration or elimination of dividend rights.

Notwithstanding the provisions of section 1606 (j) or (m) of this title, in any merger or consolidation in which the class of stockholders of a Regional Corporation who are not residents of any of the villages in the region are entitled under Alaska law to vote as a class, the terms of the merger or consolidation may provide for the alteration or elimination of the right of said class to receive dividends pursuant to said section 1606 (j) or (m) of this title. In the event that such dividend right is not expressly altered or eliminated by the terms of the merger or consolidation, such class of stockholders shall continue to receive such dividends pursuant to section 1606 (j) or (m) of this title as would have been applicable if the merger or consolidation had not taken place and all Village Corporations within the affected region continued to exist separately.

(d) Approval of merger or consolidation by shareholders.

Notwithstanding any other provision of this section or of any other law, no corporation referred to in this section may merge or consolidate with any other such corporations unless that corporation's shareholders have approved such merger or consolidation.

(e) Conveyance of right to withhold consent to mineral exploration, development, etc., as part of merger or consolidation.

The plan of merger or consolidation shall provide that the right of any affected Village Corporation pursuant to section 1613(f) of this title to withhold consent to mineral exploration, development, or removal within the boundaries of the Native village shall be conveyed, as part of the merger or consolidation, to a separate entity composed of the Native residents of such Native village. (Pub. L. 92–203, § 30, as added Pub. L. 94–204, § 6, Jan. 2, 1976, 89 Stat. 1148.)

Chapter 34.—TRANS-ALASKA PIPELINE [NEW]

Sec.

1651. Congressional findings and declaration.
1652. Authorizations for construction.
(a) Congressional declaration of purpose.
(b) Issuance, administration, and enforcement of rights-of-way, permits, leases, and other authorizations.
(c) Applicability of statutes governing rights-of-way for pipelines through Federal lands; other statutory terms and conditions; waiver of procedural requirements; supersedure of administrative authorizations for construction.
(d) National Environmental Policy Act of 1969 by-passed; issuance of authorizations for construction and operation not to be subject to judicial review; time limits on charges of invalidity or unconstitutionality; jurisdiction; hearings; review.
(e) Amendment or modification of rights-of-way, permits, leases, or other authorizations.
1653. Liability for damages.
(a) Activities along or in vicinity of pipeline right-of-way; strict liability; limitation on liability; subrogation; emergency subsistence and other aid; exemption for State of Alaska.
(b) Control and removal of pollutants at expense of right-of-way holder.
(c) Discharges of oil from vessels loaded at terminal facilities of pipeline; strict liability; limitation on liability; apportionment of liability; establishment and operation of Trans-Alaska Pipeline Liability Fund.
1654. Antitrust laws.
1655. Roads and airports.

§ 1651. Congressional findings and declaration.

The Congress finds and declares that:

(a) The early development and delivery of oil and gas from Alaska's North Slope to domestic markets is in the national interest because of growing domestic shortages and increasing dependence upon insecure foreign sources.

(b) The Department of the Interior and other Federal agencies, have, over a long period of time, conducted extensive studies of the technical aspects and of the environmental, social, and economic impacts of the proposed trans-Alaska oil pipeline, including consideration of a trans-Canada pipeline.

(c) The earliest possible construction of a trans-Alaska oil pipeline from the North Slope of Alaska to Port Valdez in that State will make the extensive proven and potential reserves of low-sulfur oil available for domestic use and will best serve the national interest.

(d) A supplemental pipeline to connect the North Slope with a trans-Canada pipeline may be needed later and it should be studied now, but it should not be regarded as an alternative for a trans-Alaska pipeline that does not traverse a foreign country. (Pub. L. 93–153, title II, § 202, Nov. 16, 1973, 87 Stat. 584.)

Short Title

Section 201 of Pub. L. 93–153 provided that: "This title [which enacted this chapter] may be cited as the 'Trans-Alaska Pipeline Authorization Act'."

Separability of Provisions

Section 411 of Pub. L. 93–153 provided that: "If any provision of this Act [enacting this chapter, section 1456a of this title, and section 3512 of Title 44, amending section 1608 of this title, sections 45, 46, 53, and 56 of Title 15, section 185 of Title 30, section 1221 of Title 33, section

3502 of Title 44, and section 391a of Title 46, and enacting provisions set out as notes under this section and sections 1608 of this title, section 1904 of Title 12, section 45 of Title 15, and section 791a of Title 16] or the applicability thereof is held invalid the remainder of this Act shall not be affected thereby."

EXCLUSION OF PERSONS FROM TRANS-ALASKA PIPELINE ACTIVITIES ON BASIS OF RACE, CREED, COLOR, NATIONAL ORIGIN, OR SEX PROHIBITED

Section 403 of Pub. L. 93–153 provided that: "The Secretary of the Interior shall take such affirmative action as he deems necessary to assure that no person shall, on the grounds of race, creed, color, national origin, or sex, be excluded from receiving, or participating in any activity conducted under, any permit, right-of-way, public land order, or other Federal authorization granted or issued under title II [this chapter]. The Secretary of the Interior shall promulgate such rules as he deems necessary to carry out the purposes of this subsection and may enforce this subsection, and any rules promulgated under this subsection, through agency and department provisions and rules which shall be similar to those established and in effect under title VI of the Civil Rights Act of 1964 [section 2000d et seq. of Title 42]."

EQUITABLE ALLOCATION OF NORTH SLOPE CRUDE OIL

Section 410 of Pub. L. 93–153 provided that: "The Congress declares that the crude oil on the North Slope of Alaska is an important part of the Nation's oil resources, and that the benefits of such crude oil should be equitably shared, directly or indirectly, by all regions of the country. The President shall use any authority he may have to insure an equitable allocation of available North Slope and other crude oil resources and petroleum products among all regions and all of the several States."

TRANS-CANADA PIPELINE; NEGOTIATIONS WITH CANADA; FEASIBILITY STUDY

Title III of Pub. L. 93–153 provided that:

"SEC. 301. The President of the United States is authorized and requested to enter into negotiations with the Government of Canada to determine—

"(a) the willingness of the Government of Canada to permit the construction of pipelines or other transportation systems across Canadian territory for the transport of natural gas and oil from Alaska's North Slope to markets in the United States, including the use of tankers by way of the Northwest Passage;

"(b) the need for intergovernmental understandings, agreements, or treaties to protect the interests of the Governments of Canada and the United States and any party or parties involved with the construction, operation, and maintenance of pipelines or other transportation systems for the transport of such natural gas or oil;

"(c) the terms and conditions under which pipelines or other transportation systems could be constructed across Canadian territory;

"(d) the desirability of undertaking joint studies and investigations designed to insure protection of the environment, reduce legal and regulatory uncertainty, and insure that the respective energy requirements of the people of Canada and of the United States are adequately met;

"(e) the quantity of such oil and natural gas from the North Slope of Alaska for which the Government of Canada would guarantee transit; and

"(f) the feasibility, consistent with the needs of other sections of the United States, of acquiring additional energy from other sources that would make unnecessary the shipment of oil from the Alaska pipeline by tanker into the Puget Sound area.

The President shall report to the House and Senate Committees on Interior and Insular Affairs the actions taken, the progress achieved, the areas of disagreement, and the matters about which more information is needed, together with his recommendations for further action.

"SEC. 302. (a) The Secretary of the Interior is authorized and directed to investigate the feasibility of one or more oil or gas pipelines from the North Slope of Alaska to connect with a pipeline through Canada that will deliver oil or gas to United States markets.

"(b) All costs associated with making the investigations authorized by subsection (a) shall be charged to any future applicant who is granted a right-of-way for one of the routes studied. The Secretary shall submit to the House and Senate Committees on Interior and Insular Affairs periodic reports of his investigation, and the final report of the Secretary shall be submitted within two years from the date of this Act [Nov. 16, 1973].

"SEC. 303. Nothing in this title shall limit the authority of the Secretary of the Interior or any other Federal official to grant a gas or oil pipeline right-of-way or permit which he is otherwise authorized by law to grant."

§ 1652. Authorizations for construction.

(a) Congressional declaration of purpose.

The purpose of this chapter is to insure that, because of the extensive governmental studies already made of this project and the national interest in early delivery of North Slope oil to domestic markets, the trans-Alaska oil pipeline be constructed promptly without further administrative or judicial delay or impediment. To accomplish this purpose it is the intent of the Congress to exercise its constitutional powers to the fullest extent in the authorizations and directions herein made and in limiting judicial review of the actions taken pursuant thereto.

(b) Issuance, administration, and enforcement of rights-of-way, permits, leases, and other authorizations.

The Congress hereby authorizes and directs the Secretary of the Interior and other appropriate Federal officers and agencies to issue and take all necessary action to administer and enforce rights-of-way, permits, leases, and other authorizations that are necessary for or related to the construction, operation, and maintenance of the trans-Alaska oil pipeline system, including roads and airstrips, as that system is generally described in the Final Environmental Impact Statement issued by the Department of the Interior on March 20, 1972. The route of the pipeline may be modified by the Secretary to provide during construction greater environmental protection.

(c) Applicability of statutes governing rights-of-way for pipelines through Federal lands; other statutory terms and conditions; waiver of procedural requirements; supersedure of administrative authorization for construction.

Rights-of-way, permits, leases, and other authorizations issued pursuant to this chapter by the Secretary shall be subject to the provisions of section 185 of Title 30, as amended by Pub. L. 93–153 (except the provisions of subsection (h)(1), (k), (q), (w)(2), and (x)); all authorizations issued by the Secretary and other Federal officers and agencies pursuant to this chapter shall include the terms and conditions required, and may include the terms and conditions permitted, by the provisions of law that would otherwise be applicable if this chapter had not been enacted, and they may waive any procedural requirements of law or regulation which they deem desirable to waive in order to accomplish the purposes of this chapter. The direction contained in subsection (b) of this section shall supersede the provisions of any law or regulation relating to an administrative determination as to whether the authorizations for construction of the trans-Alaska oil pipeline shall be issued.

(d) National Environmental Policy Act of 1969 bypassed; issuance of authorizations for construction and operation not to be subject to judicial review; time limits on charges of invalidity or unconstitutionality; jurisdiction; hearings; review.

The actions taken pursuant to this chapter which relate to the construction and completion of the pipeline system, and to the applications filed in connection therewith necessary to the pipeline's operation at full capacity, as described in the Final Environmental Impact Statement of the Department of the Interior, shall be taken without further action under the National Environmental Policy Act of 1969; and the actions of the Federal officers concerning the issuance of the necessary rights-of-way, permits, leases, and other authorizations for construction and initial operation at full capacity of said pipeline system shall not be subject to judicial review under any law except that claims alleging the invalidity of this section may be brought within sixty days following November 16, 1973, and claims alleging that an action will deny rights under the Constitution of the United States, or that the action is beyond the scope of authority conferred by this chapter, may be brought within sixty days following the date of such action. A claim shall be barred unless a complaint is filed within the time specified. Any such complaint shall be filed in a United States district court, and such court shall have exclusive jurisdiction to determine such proceeding in accordance with the procedures hereinafter provided, and no other court of the United States, of any State, territory, or possession of the United States, or of the District of Columbia, shall have jurisdiction of any such claim whether in a proceeding instituted prior to or on or after November 16, 1973. Any such proceeding shall be assigned for hearing at the earliest possible date, shall take precedence over all other matters pending on the docket of the district court at that time, and shall be expedited in every way by such court. Such court shall not have jurisdiction to grant any injunctive relief against the issuance of any right-of-way, permit, lease, or other authorization pursuant to this section except in conjunction with a final judgment entered in a case involving a claim filed pursuant to this section. Any review of an interlocutory or final judgment, decree, or order of such district court may be had only upon direct appeal to the Supreme Court of the United States.

(e) Amendment or modification of rights-of-way, permits, leases, or other authorizations.

The Secretary of the Interior and the other Federal officers and agencies are authorized at any time when necessary to protect the public interest, pursuant to the authority of this section and in accordance with its provisions, to amend or modify any right-of-way, permit, lease, or other authorization issued under this chapter. (Pub. L. 93–153, title II, § 203, Nov. 16, 1973, 87 Stat. 584.)

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (d), is Pub. L. 91–190, which is classified to section 4321 et seq. of Title 42, The Public Health and Welfare.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1655 of this title.

§ 1653. Liability for damages.

(a) Activities along or in vicinity of pipeline right-of-way; strict liability; limitation on liability; subrogation; emergency subsistence and other aid; exemption for State of Alaska.

(1) Except when the holder of the pipeline right-of-way granted pursuant to this chapter can prove that damages in connection with or resulting from activities along or in the vicinity of the proposed trans-Alaskan pipeline right-of-way were caused by an act of war or negligence of the United States, other government entity, or the damaged party, such holder shall be strictly liable to all damaged parties, public or private, without regard to fault for such damages, and without regard to ownership of any affected lands, structures, fish, wildlife, or biotic or other natural resources relied upon by Alaska Natives, Native organizations, or others for subsistence or economic purposes. Claims for such injury or damages may be determined by arbitration or judicial proceedings.

(2) Liability under paragraph (1) of this subsection shall be limited to $50,000,000 for any one incident, and the holders of the right-of-way or permit shall be liable for any claim allowed in proportion to their ownership interest in the right-of-way or permit. Liability of such holders for damages in excess of $50,000,000 shall be in accord with ordinary rules of negligence.

(3) In any case where liability without fault is imposed pursuant to this subsection and the damages involved were caused by the negligence of a third party, the rules of subrogation shall apply in accordance with the law of the jurisdiction where the damage occurred.

(4) Upon order of the Secretary, the holder of a right-of-way or permit shall provide emergency subsistence and other aid to an affected Alaska Native, Native organization, or other person pending expeditious filing of, and determination of, a claim under this subsection.

(5) Where the State of Alaska is the holder of a right-of-way or permit under this chapter, the State shall not be subject to the provisions of this subsection, but the holder of the permit or right-of-way for the trans-Alaska pipeline shall be subject to this subsection with respect to facilities constructed or activities conducted under rights-of-way or permits issued to the State to the extent that such holder engages in the construction, operation, maintenance, and termination of facilities, or in other activities under rights-of-way or permits issued to the State.

(b) Control and removal of pollutants at expense of right-of-way holder.

If any area within or without the right-of-way or permit area granted under this chapter is polluted by any activities conducted by or on behalf of the holder to whom such right-of-way or permit was granted, and such pollution damages or threatens to damage aquatic life, wildlife, or public or private property, the control and total removal of the pollutant shall be at the expense of such holder, including any administrative and other costs incurred by the Secretary or any other Federal officer or agency. Upon failure of such holder to adequately control

and remove such pollutant, the Secretary, in cooperation with other Federal, State, or local agencies, or in cooperation with such holder, or both, shall have the right to accomplish the control and removal at the expense of such holder.

(c) Discharges of oil from vessels loaded at terminal facilities of pipeline; strict liability; limitation on liability; apportionment of liability; establishment and operation of Trans-Alaska Pipeline Liability Fund.

(1) Notwithstanding the provisions of any other law, if oil that has been transported through the trans-Alaska pipeline is loaded on a vessel at the terminal facilities of the pipeline, the owner and operator of the vessel (jointly and severally) and the Trans-Alaska Pipeline Liability Fund established by this subsection, shall be strictly liable without regard to fault in accordance with the provisions of this subsection for all damages, including clean-up costs, sustained by any person or entity, public or private, including residents of Canada, as the result of discharges of oil from such vessel.

(2) Strict liability shall not be imposed under this subsection if the owner or operator of the vessel, or the Fund, can prove that the damages were caused by an act or war or by the negligence of the United States or other governmental agency. Strict liability shall not be imposed under this subsection with respect to the claim of a damaged party if the owner or operator of the vessel, or the Fund, can prove that the damage was caused by the negligence of such party.

(3) Strict liability for all claims arising out of any one incident shall not exceed $100,000,000. The owner and operator of the vessel shall be jointly and severally liable for the first $14,000,000 of such claims that are allowed. Financial responsibility for $14,000,000 shall be demonstrated in accordance with the provisions of section 1321(p) of Title 33 before the oil is loaded. The Fund shall be liable for the balance of the claims that are allowed up to $100,000,000. If the total claims allowed exceed $100,000,000, they shall be reduced proportionately. The unpaid portion of any claim may be asserted and adjudicated under other applicable Federal or state law.

(4) The Trans-Alaska Pipeline Liability Fund is hereby established as a non-profit corporate entity that may sue and be sued in its own name. The Fund shall be administered by the holders of the trans-Alaska pipeline right-of-way under regulations prescribed by the Secretary. The Fund shall be subject to an annual audit by the Comptroller General, and a copy of the audit shall be submitted to the Congress.

(5) The operator of the pipeline shall collect from the owner of the oil at the time it is loaded on the vessel a fee of five cents per barrel. The collection shall cease when $100,000,000 has been accumulated in the Fund, and it shall be resumed when the accumulation in the Fund falls below $100,000,000.

(6) The collections under paragraph (5) shall be delivered to the Fund. Costs of administration shall be paid from the money paid to the Fund, and all sums not needed for administration and the satisfaction of claims shall be invested prudently in income-producing securities approved by the Secretary. Income from such securities shall be added to the principal of the Fund.

(7) The provisions of this subsection shall apply only to vessels engaged in transportation between the terminal facilities of the pipeline and ports under the jurisdiction of the United States. Strict liability under this subsection shall cease when the oil has first been brought ashore at a port under the jurisdiction of the United States.

(8) In any case where liability without regard to fault is imposed pursuant to this subsection and the damages involved were caused by the unseaworthiness of the vessel or by negligence, the owner and operator of the vessel, and the Fund, as the case may be shall be subrogated under applicable State and Federal laws to the rights under said laws of any person entitled to recovery hereunder. If any subrogee brings an action based on unseaworthiness of the vessel or negligence of its owner or operator, it may recover from any affiliate of the owner or operator, if the respective owner or operator fails to satisfy any claim by the subrogee allowed under this paragraph.

(9) This subsection shall not be interpreted to preempt the field of strict liability or to preclude any State from imposing additional requirements.

(10) If the Fund is unable to satisfy a claim asserted and finally determined under this subsection, the Fund may borrow the money needed to satisfy the claim from any commercial credit source, at the lowest available rate of interest, subject to approval of the Secretary.

(11) For purposes of this subsection only, the term "affiliate" includes—

(A) Any person owned or effectively controlled by the vessel owner or operator; or

(B) Any person that effectively controls or has the power effectively to control the vessel owner or operator by—

(i) stock interest, or

(ii) representation on a board of directors or similar body, or

(iii) contract or other agreement with other stockholders, or

(iv) otherwise; or

(C) Any person which is under common ownership or control with the vessel owner or operator.

(12) The term "person" means an individual, a corporation, a partnership, an association, a joint-stock company, a business trust, or an unincorporated organization. (Pub. L. 93–153, title II, § 204, Nov. 16, 1973, 87 Stat. 586.)

§ 1654. Antitrust laws.

The grant of a right-of-way, permit, lease, or other authorization pursuant to this chapter shall grant no immunity from the operation of the Federal anti-trust laws. (Pub. L. 93–153, title II, § 205, Nov. 16, 1973, 87 Stat. 588.)

REFERENCES IN TEXT

The Federal antitrust laws, referred to in text, are classified generally to section 1 et seq. of Title 15, Commerce and Trade.

§ 1655. Roads and airports.

A right-of-way, permit, lease, or other authorization granted under section 1652(b) of this title for a road or airstrip as a related facility of the trans-Alaska pipeline may provide for the construction of a public road or airstrip. (Pub. L. 93–153, title II, § 206, Nov. 16, 1973, 87 Stat. 588.)